

**RICHMOND VILLAGE CODE**  
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## CHAPTER 1 GENERAL PROVISIONS

- 1.01 Richmond Village Code
- 1.02 Definitions (*Ord. 2013-18*)
- 1.03 Jurisdiction
- 1.04 Penalties (*Ord. 2012-07*)
- 1.05 Settlement of Offenses (*Ord. 2017-07*)

### 1.01 RICHMOND VILLAGE CODE.

(a) Title. This code of ordinances may be known and cited as the Richmond Village Code of the Village of Richmond, Illinois (“Code”).

(b) Amendments. Any additions or amendments to this Code are incorporated into this Code so that a reference to the Richmond Village Code includes such additions and amendments.

(c) Numbering of Sections. Each section number of this Code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the position in the section within the chapter.

(d) Numbering Additions. The decimal system shall be used for all additions and amendments to this Code. When a chapter or section is added, the new section shall be given a decimal character.

### 1.02 DEFINITIONS.

(a) Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms.

(b) Terms used in this Code have the following meanings:

Village: Village of Richmond, Illinois

Corporate Authorities: The President and Board of Trustees pursuant to 65 ILCS 5/1-1-2. (*Ord. 2013-18*)

County: McHenry County

Section: Wherever “Section” appears within a particular section number of this Code, it means that particular section. For example, if “Section” appears within Section 1.01 of this Code, Section means Section 1.01. When a number is included with the word “Section,” it shall mean that section number of this Code.

State: State of Illinois

Village Board or Board of Trustees: The Board of Trustees of the Village.

Village Clerk or Clerk: The Village Clerk of the Village and similarly the title of any other officer, board or commission shall mean such officer, board of commission of the Village unless otherwise stated.

Person: Any natural individual, firm, partnership, trust, estate, club, association, or corporation. As applied to partnerships, or applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

Illinois Compiled Statutes or Statutes: The Illinois Compiled Statutes, as revised from time to time.

Illinois Municipal Code: Chapter 65 of the Illinois Compiled Statutes (65 ILCS 5/1-2-1 *et seq.*) as amended from time to time.

This code or This Code: The Richmond Village Code as amended from time to time.

### **1.03 JURISDICTION.**

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the Village to regulate such particular acts outside the corporate limits.

### **1.04 PENALTIES.**

(a) Standard Penalty. Unless another penalty is specifically provided by this Code for violation of any particular provision, section or chapter, any person violating any provision of this Code, or any rule or regulation adopted or issued pursuant thereto, or any provision of any Code adopted herein, shall upon conviction be subject to a fine pursuant to Appendix A of this Code. This Section shall in no way abrogate or impair the right of the Village to specifically enforce, by any local means, any of the provisions of this Section. (*Ord. 2012-07*)

(b) Each Day of Violation. Each act of violation and each day upon which a violation occurs constitutes a separate offense.

(c) Applicability. The penalty provided by this Section applies to the amendments of any section of this code whether or not such penalty is re-enacted in the amendatory ordinance.

(d) Reference to Sections. Reference to a section of this Code shall be understood to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

(e) Failure of Officers to Perform Duties. The failure of an officer or employee of the Village to perform an official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided in the section creating the duty.

(f) Collection. In the event any fee, including but not limited to, those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of this Code that is due the Village and is not paid, the cost of collecting such fee

shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees.

**1.05 SETTLEMENT OF OFFENSES.** *(Ord. 2012-07)*

(a) Payments. The described offenses listed in Appendix A of this Code or arising under the ordinances of the Village may be settled and compromised by the offender in the following manner:

When settlement payment is made within 10 days after the time a notice is delivered to the offender, settlement payment shall be the minimum dollar amount listed. When the settlement payment is not made within 10 days after a notice is delivered, the offender settlement shall be doubled. In the event that doubled sum exceeds \$1,000.00, the settlement payment shall not exceed \$1,000.00.

(b) Settlements. Settlement payments shall be made to the Village Police Department, who shall provide the alleged offender with a receipt in the amount of such payment. As a condition precedent to the right of an offender to settle under this Section, the offender may be required to have first corrected the violating offense (i.e. nuisance removed, appropriate license/permit purchased, etc.)

(c) Disposition of Payments. The amounts paid to the Village Police Department in settlement of the foregoing claims shall be promptly deposited by the Village Police Department with the Village Collector. Upon receipt by the Finance Clerk, the amounts shall be credited to the General Fund.

(d) Prosecution. The Village shall refrain from prosecuting any alleged offender of the foregoing offenses after receipt of such settlement payment as provided in Section 1.05(a). If settlement payment is not received and the offense corrected pursuant to Section 1.05(a), the Village may have a sworn complaint issued and prosecute the matter in either the Village's municipal court or the Circuit Court and the respondent shall be responsible for the fine and court costs imposed by either the Administrative Law Judge or Circuit Court Judge.

**CHAPTER 2**  
**BOARD OF TRUSTEES**  
*(Ord. 2013-18)*

- 2.01 Government of Village
- 2.02 Elections and Terms of Village Board
- 2.03 Salaries
- 2.04 Regular Meetings *(Ord. 2017-07; 2019-31; 2025-11)*
- 2.05 Special Meetings
- 2.06 Presiding Officer
- 2.07 Order of Business *(Ord. 2019-31; 2021-05; 2022-17)*
- 2.08 Rescinding Action
- 2.09 Public Comments at Meetings *(Ord. 2019-31; 2021-07)*
- 2.10 Suspension of Rules
- 2.11 Rules of Order
- 2.12 Quorum
- 2.13 Committees *(Ord. 2019-07; 2020-01; 2020-11; 2021-13; 2022-12)*
- 2.14 Closed Sessions
- 2.15 Meeting Attendance by Audio or Video Conferencing *(Ord. 2024-01; 2025-11)*

**2.01 GOVERNMENT OF VILLAGE.** The Corporate Authorities, consisting of the President and six Trustees who are elected at large, shall govern the Village.

**2.02 ELECTIONS AND TERMS OF VILLAGE BOARD.**

(a) The term of office of the Trustees shall be four years or until their successors are elected and have qualified.

(b) The term of office of the President shall be four years.

(c) Vacancies in the office of Trustee or President shall be filled as prescribed by the Illinois Municipal Code.

(d) The terms of elected officials shall begin on the first regular or special meeting following receipt of the official election results from the County Clerk.

**2.03 SALARIES.** The Corporate Authorities shall receive such salary as shall be fixed by ordinance, subject to the provisions of the Illinois Municipal Code.

**2.04 REGULAR MEETINGS.** The regular meetings of the Corporate Authorities shall be held at the Village Hall, 5600 Hunter Drive, on the first and third Thursdays of each month at 7:00 p.m. Whenever a regular meeting falls on a legal holiday or an election day, such meeting shall not be held on such day but shall be held on the next succeeding Thursday, or on such other day as the Corporate Authorities may set. Public notice of such regular meetings shall be given as required by law. The agenda for all regular meetings shall be set by the Village President. In the event any trustee desires to place an item on an agenda, the proposed item and any supporting documentation, shall be provided in duplicate, to the Village President and Village Clerk, no later than the Thursday preceding the scheduled meeting. When a Trustee is unable to attend any

regular, special or committee meeting, they shall notify the Village Clerk. (Ord. 2017-07; 2019-31; 2025-11)

**2.05 SPECIAL MEETINGS.** Special meetings of the Corporate Authorities may be called by the President or three Trustees, provided that a written notice of such meeting, stating the purpose thereof and time therefor, shall be given to each member of the Board of Trustees and President at least 48 hours before the time set for the meeting. In the event all the members of the Board of Trustees and the President are present when any special meeting is called the requirement of notice shall be deemed waived. Public notice of such meetings shall also be given as required by law.

**2.06 PRESIDING OFFICER.** The President shall be the presiding officer of the Board of Trustees at all regular or special meetings and when the Board of Trustees meets as a committee of the whole. If the President is temporarily absent from the Village or incapable of performing official duties, but the absence or incapacity does not create a vacancy in the office, the Trustees shall elect one of their members to act as president pro tem. During this absence or disability, the president pro tem shall perform the duties and possess all the rights and powers of the President but shall not be entitled to vote both as President pro tem and as Trustee. In the event that the President fails to attend a meeting but is in the Village and capable of performing the duties of the office, the Board of Trustees may select one of its members to serve as temporary chair who shall have only the power of a presiding officer and a right to vote in its capacity of Trustee.

**2.07 ORDER OF BUSINESS.** The order of business at regular meetings of the Corporate Authorities shall be as follows: (Ord. 2019-31; 2021-05; 2022-17)

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Announcements/Requests
5. Public Comments
6. Unfinished Business
7. Consent Agenda
8. New Business
9. Committee/Department Reports
10. President's Comments
11. Trustees Comments
12. Closed Session
13. Action Resulting From Closed Session
14. Adjournment

**2.08 RESCINDING ACTION.** No vote or action of the Corporate Authorities shall be rescinded at any special or regular meeting unless there is present as many members of the Corporate Authorities, other than the President, as were present at the meeting when such vote or action was taken as provided by law.

**2.09 PUBLIC COMMENTS AT MEETINGS.** Members of the public are permitted to speak at any public, open meeting of the Corporate Authority and other commission, committee, board or other public entity created by or subject to the Village's ordinances, subject to the following rules: (Ord. 2019-31; 2021-07)

1. Public comments may be restricted to no more than five minutes for each individual speaker. The President or Chairperson may permit additional comment in his or her discretion taking into account the number of persons wishing to be heard on a matter and the amount of village business requiring attention.
2. Members of the public may be asked to avoid repeating comments that have already been made, although they may be given the opportunity to indicate that they agree or disagree with an earlier speaker.
3. Members of the public will be required to stand and to identify themselves by stating their name for the record. The President or Chairperson shall require that order and decorum be maintained at public meetings. This include prohibiting outbursts from the public or other behavior that is disorderly or disruptive to the public business. The President or Chairperson may eject from a public meeting any person who, in the President or Chairperson's sole opinion, disrupts the order and decorum of the meeting or otherwise violated the rules of this Section.
4. Public comments shall be restricted to the portions of the meetings, which are required to be open to the public under the Open Meetings Act. Nothing in this Section shall be construed to allow public access to or public comments at closed sessions or any other meeting of public officials, which is not required to be open to the public under the Open Meetings Act.
5. To the extent necessary, each public body subject to the Village's jurisdiction, ordinances and control, shall adopt the public comments rules of the Section at the first public meeting of each public body following the adoption of this ordinance.

**2.10 SUSPENSION OF RULES.** The rules of order of the Corporate Authorities, other than those prescribed by law, may be suspended at any time by the consent of a majority of the quorum.

**2.11 RULES OF ORDER.** Robert's Rules of Order shall govern the deliberations of the Corporate Authorities and committee meetings, except as otherwise provided by law or ordinance.

**2.12 QUORUM.** A majority of the Corporate Authorities shall constitute a quorum to do business.

**2.13 COMMITTEES.** *(Ord. 2020-01; 2022-12)*

(a) Standing Committees. The President shall appoint the members of the standing committees, with advice and consent of the Board of Trustees, and shall designate the chairman of each committee. Appointments shall be for two years, coinciding with consolidated election. Members of the standing committees shall receive such salary as shall be fixed by ordinance, subject to the provisions of the Illinois Municipal Code. The standing committees shall be as follows:

1. Community Development: The Community Development Committee shall consist of three Trustees, and the Village President at his discretion. This Committee shall meet on a designated day of the week preceding the third Thursday of each month. The duties of the Community Development Committee shall include recommendations to the Village Board regarding the following:
  - (i) Proposed commercial sign applications, designs and proposed signs which are more than 25% over the current Village code maximum size limitations;
  - (ii) All construction and/or remodeling in the historic overlay district and new residential subdivisions, including landscape designs, for compliance with the current Village standards;
  - (iii) Community events to promote the Village in a positive manner and determine the most efficient way to allocate Village resources to achieve this goal;
  - (iv) Strategies to foster and/or strengthen relationships with residents, local businesses and local not-for-profit organizations;
  - (v) Technologies to strengthen Village communication systems for more effective dissemination of information regarding community events, public notices, as well as, public safety emergency notifications;
  - (vi) Economic development for the Village to achieve the best economic health while maintaining the quality of life in the Village by providing leadership to promote the retention, expansion and attraction of business and industry in Richmond; and
  - (vii) At least annually, submit recommendations to the Village Board regarding economic development matters. *(Ord. 2017-16)*
2. Any standing committee has the authority to create an advisory committee and appoint such members thereto as it may deem desirable to aid the committee in its functions and duties. Advisory committee members shall serve on a voluntary basis and will not be compensated.

(b) Special Committees. In addition, to the extent permitted under State law, the President shall also appoint such special committees as the Corporate Authorities may deem necessary. Such special committees, appointed from time to time for the transaction of special business as may be committed to the special committees, shall have such power and authority, and only such power and authority, as shall be given to the special committee at the time of appointment or thereafter by appropriate action of the Corporate Authorities.

(c) All standing and special committee meetings shall be held pursuant to the Open Meetings Act. The Chairman shall direct the Clerk on what items should be placed on the agenda

and minutes of each meeting shall be prepared by either the Clerk, the Chair of the Committee or designee of the Chair as the case may be and presented at the next committee meeting for approval.

## 2.14 CLOSED SESSIONS.

(a) Recording Closed Sessions. The Village shall keep a verbatim record of all closed or executive session meetings of the Corporate Authorities of the Village or any subsidiary “public body” as defined by the Illinois Open Meetings Act, 5 ILCS 120/1. The verbatim record shall be in the form of an audio or video recording as determined by the Corporate Authorities.

(b) Responsibility for Recording Closed Session and Maintaining Recordings. The Clerk or designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the Clerk or designee, the meeting Chair will arrange for the audio or video recording of the closed session. Each subsidiary public body of the Village shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the Clerk with a copy of such recording. The Clerk or designee shall securely maintain the verbatim recordings of all closed sessions of the Corporate Authorities and all subsidiary public bodies of the Village.

(c) Closed Session Minutes. In addition to the recordings of the closed and executive session as addressed in this Section, the Village will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/1.

(d) Procedure for Recording. At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall announce the times the closed session commences and ends at the appropriate points on the recording.

(e) Back-Up Equipment/Procedure for Equipment Malfunction. The Village will maintain sufficient tapes, batteries and equipment for the Village to comply with this Section. The Clerk or designee will periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

(f) Procedure for Review of Closed Session Minutes and Recordings. At least every six months the agenda shall include the item “review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released.” Minutes shall be revised in closed session and shall not be released unless the Corporate Authorities find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the Corporate Authorities shall find that the “need for confidentiality still exists” for those minutes. Minutes of closed sessions shall be kept indefinitely. Recordings shall be reviewed in a manner appropriate to the purpose for which they were intended.

(g) Maintenance and Public Release of Recordings and Access to Tapes. The audio or video tape recordings of closed sessions shall be maintained for 18 months after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the Corporate Authorities. Members of the Corporate Authorities may listen to the closed session recordings in the presence of the Clerk or designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the Corporate Authorities.

(h) Procedure for Destruction of Recordings. The Clerk or designee is authorized to destroy the audio and video recordings of those closed sessions for which:

1. The Corporate Authorities have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
2. More than 18 months have elapsed since the date of the closed session;
3. There is no court order requiring the preservation of such recording; and
4. The Corporate Authorities have approved the destruction of the particular recording.

## **2.15 MEETING ATTENDANCE BY AUDIO OR VIDEO CONFERENCING.**

In addition to holding meetings pursuant to the Open Meetings Act, 5 ILCS 120/1, *et seq.*, meetings held by the Corporate Authorities shall be subject to the following rules:

(a) A quorum shall be physically present at the location of an open or closed meeting.

(b) Provided a quorum is present, a member may be allowed to attend the meeting by audio or video conferencing. Inability to make the necessary technical arrangements will result in denial of a request for remote attendance. Participation shall be limited to three times in any 12 consecutive months per person.

(c) Any member who wishes to be considered present at a meeting by audio or video conference may make such a request to the Corporate Authorities by notifying the Clerk eight hours prior to the meeting, unless advance notice is impractical, that the member cannot physically attend the meeting for one of the following reasons:

1. Personal illness or disability;
2. Employment purposes or Village business;
3. A family or other emergency; or
4. Unexpected childcare obligations; or (*Ord. 2024-01; 2025-11*)
5. Performance of Active Military Duty as a Service Member. (*Ord. 2025-11*)

(d) An affirmative vote by a majority of the Corporate Authorities may allow the member to attend a meeting as provided in this Section.

(e) The Clerk shall record in the minutes of every meeting of the Corporate Authorities and note which members are the members physically present, absent and present by audio or video conference.

(f) Members attending electronically shall be paid at the normal rate established for meeting attendance.

**CHAPTER 3**  
**VILLAGE ADMINISTRATION**

*(Ord. 2013-18)*

- 3.01 President *(Ord. 2022-07)*
- 3.02 Clerk *(Ord. 2022-07)*
- 3.03 Treasurer *(Ord. 2018-23; 2021-09; 2022-12)*
- 3.04 Village Attorney
- 3.05 Superintendent of Public Works
- 3.06 Collector *(Ord. 2022-12)*
- 3.07 Building Inspector
- 3.08 Village Engineer
- 3.09 Village Administrator, Officers and Employees *(Ord. 2021-06; 2022-07)*
- 3.10 Employees' Right to Paid Leave *(Ord. 2023-16)*
- 3.11 Indemnification
- 3.12 Police Department
  - 3.12.1 Part-time Police
- 3.13 Municipal and Fiscal Year
- 3.14 Village Seal
- 3.15 Emergency Services and Disaster Agency *(Ord. 2020-05)*
- 3.16 Participation in the Illinois Municipal Retirement Fund
- 3.17 Travel Expense Reimbursement *(Ord. 2016-29; 2019-15)*

**3.01 PRESIDENT.** *(Ord. 2022-07)*

(a) The President shall be the chief executive and finance officer of the Village and shall perform all such duties as may be required by statute or ordinance. The President shall have general supervision over all the officers of the Village and shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time.

(b) Designation of Duties: The President shall settle any question as to the respective powers or duties of any appointed Village officer. The President shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty.

(c) Appointments: The President shall appoint, by and with the advice and consent of the Board of Trustees, any officer whose appointment is not otherwise provided for by law. Whenever a vacancy occurs in any office, it shall be filled pursuant to applicable Illinois law.

(d) Removal of Officers: The President shall have the power to remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the Village demand such removal. He shall report the reasons for such removal to the Board of Trustees at a meeting to be held not less than five days, or more than 10 days after such removal. If the President fails or refuses to file with the Clerk a statement of the reasons for such removal or if the Board, by a two-thirds vote of all its members authorized by law to be elected, by "yeas" and "nays" to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was removed, and shall be required to give a new bond and take a new oath of office as required in Section 3.10. No officer shall be removed a second time for the same offense.

(e) Licenses: The President shall grant licenses for the purposes authorized by this Code to such persons as he may deem proper, unless the Board of Trustees shall otherwise provide, and he may revoke the same for cause.

(f) Signature: The President shall sign all Village warrants, commissions, permits and licenses granted by authority of the Board of Trustees, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature.

(g) Calling Out Inhabitants and Militia: When necessary, the President may call on every inhabitant of the Village over the age of 18 years, to aid in enforcing laws and ordinances. Subject to the authority of the Governor as Commander-in-Chief of the militia, the President may call out the militia to aid in suppressing riots and other disorderly conduct, or to aid in carrying into effect any law or ordinance.

**3.02 CLERK.** *(Ord. 2022-07)*

(a) Appointment: The office of Clerk shall be filled by appointment of the President, with the advice and consent of the Board of Trustees. Because the position of Clerk requires special expertise, the appointee need not be a resident. However if determined feasible by the President, a qualified resident should be appointed.

(b) Salary: The salary of the Clerk shall be determined by the Corporate Authorities.

(c) Duties: The Clerk shall perform the duties as required by the Illinois Compiled Statutes and those duties assigned by the Corporate Authorities including preparing the annual tax levy ordinance and annual appropriations ordinance and attending all meetings of the Corporate Authorities and closed session meetings except if the Clerk is the subject of the meeting and his or her presence creates a conflict of interest, in which case, the Deputy Clerk shall attend said meeting.

Deputy Clerk:

1. Appointment: One deputy clerk may be appointed by the Clerk with the advice and consent of the Corporate Authorities for a term which shall not exceed the term of the then existing Clerk. The deputy clerk shall be under direct supervision of the Clerk and need not be a resident of the Village.
2. Duties and Responsibilities: The deputy clerk's duties shall be co-extensive with the duties of the Clerk subject to the absence of the Clerk from the Village and/or the specific direction by the President to act in the stead of the Clerk or upon the specific direction from the Clerk as part of the Clerk's supervisory powers over the deputy clerk.
3. Compensation: The compensation of the deputy clerk shall be determined from time to time by the Corporate Authorities.

### 3.03 TREASURER.

- (a) Office Created: There is hereby created the office of Treasurer of the Village.
- (b) Appointment: The President shall appoint, by and with the advice and consent of the Board of Trustees, a competent citizen of the Village as Treasurer for the ensuing fiscal year.
- (c) Money, Warrants: The Treasurer shall receive all moneys belonging to the Village Corporation and shall pay all warrants signed by the President and countersigned by the Clerk. The Treasurer shall keep a separate account of each fund or appropriation, and all the debits and credits belonging thereto. The Treasurer shall give to every person paying money into the treasury a receipt therefor specifying the date of payment and upon what account paid, and shall file copies of such receipts with the records of the Treasurer's office with the Clerk at the time of making monthly reports of such office.
- (d) Register of Warrants: The Treasurer shall keep an accurate register of all warrants redeemed and paid, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and when paid; and shall cancel all warrants as soon as redeemed.
- (e) Lost Warrants: When any Village warrant is lost or destroyed, so that it cannot be presented to the Treasurer for payment by the person entitled thereto, such person shall apply by petition to the Corporate Authorities for relief. The Corporate Authorities may order the Clerk to issue a duplicate warrant to the person so entitled to payment upon his filing an affidavit of the loss or destruction of the original and giving bond and security to the Village to refund the amount of such warrant and pay all costs in case the original or lost warrant should be presented and the Village compelled to pay the same.
- (f) Special Assessments: All money received by the Treasurer as a special tax or assessment shall be held as a special fund, to be applied to the payment of the improvement for which such special tax or special assessment was made, and the money so received shall be used for no other purpose except to reimburse the Village for money expended for such improvement.
- (g) Separation of Funds: The Treasurer shall keep all moneys belonging to the Village separate and distinct at all times from personal moneys or funds, and is prohibited from using directly or indirectly the Village money or warrants in the Treasurer's custody and keeping for personal use or benefit, or that of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the Corporate Authorities, who may declare the office vacant and appoint a successor for the unexpired portion of term in manner prescribed for regular appointment.
- (h) Monthly Reports: At the end of every month, and more often if required by the Corporate Authorities, the Treasurer shall render an account under oath to the Corporate Authorities showing the state of the treasury at the date of the account and the balance of money in the treasury. The Treasurer shall accompany the account with a statement of all money received into the treasury and on what account, together with all warrants redeemed and paid by the Treasurer. Said monthly account and warrant shall be handled as required by 65 ILCS 5/3.1-35-45.

(i) Annual Reports: Within six months after the end of each fiscal year, the Treasurer shall prepare and file with the Clerk an account of monies received and expenditures incurred during the preceding fiscal year. The annual report shall be prepared and published in accordance with 65 ILCS 5/3.1-35.65.

(j) Delinquent Officers: The Treasurer shall report to the Corporate Authorities any officer authorized to receive money for the use of the Village who fails to make a return of the moneys received by him at the time required by law or ordinance.

(k) Accounts: The Treasurer shall keep the books and accounts in such manner as to show with accuracy all moneys received and disbursed for the Village, stating from whom and on what account received, and to whom and what account paid out, and in such way that the books and accounts may be readily investigated and understood. Such books and accounts and all files and papers in his office shall be at all times open to examination by the Corporate Authorities.

(l) Checks: Any check issued by the Village shall be properly signed by any two of the following: President, Clerk, Treasurer, or Administrator. (*Ord. 2018-23; 2021-09; 2022-12*)

### **3.04 VILLAGE ATTORNEY.**

(a) Appointment: A Village Attorney may be appointed by the President, by and with the consent of the Board of Trustees. The Village Attorney shall have the status of an independent contractor.

(b) Qualifications: No person shall be appointed Village Attorney who is not a bona fide resident and voter of the State of Illinois. He need not be a resident of the Village, but shall be a regularly licensed attorney of this State.

(c) Duties and Responsibilities: The Village Attorney shall:

1. Prosecute and defend any and all traffic and non-traffic related, civil 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, whenever directed to do so by the Corporate Authorities;
2. Oversee the full enforcement of all judgments or decrees rendered or entered in favor of the Village, and of all similar interlocutory orders;
3. Serve as the legal advisor of the Village, and render advice on all legal questions affecting the Village whenever requested to do so by any member of the Corporate Authorities. When so requested to render legal advice to any member of the Corporate Authorities, the Village Attorney shall inform, forthwith, the other members of the Corporate Authorities of the advice given. Upon request by any member of the Corporate Authorities, the Village Attorney shall reduce any such opinion to writing; and upon request by the President, the Village

Attorney shall render an opinion to any officer of the Village with regard to his/her duties or powers. Further, the Village Attorney shall have an affirmative duty to call to the Corporate Authorities attention any substantive legal issue under discussion or consideration by the Corporate Authorities at any meeting of the Corporate Authorities at which the Village Attorney is present regardless of whether any member of the Corporate Authorities has requested advice or counsel on the topic.

4. Oversee the completion of all special assessment proceedings and condemnation proceedings.
5. Draft or supervise the phraseology of any contracts, leases, or other documents or instruments to which the Village may be a party.

(d) Compensation: The Village Attorney shall be paid such compensation as is determined by the Corporate Authorities. Such compensation shall be paid out of the Village's existing budget for legal services. The Village Attorney shall submit invoices for legal services rendered.

(e) Additional Counsel: The Village may employ other counsel from time to time.

### **3.05 SUPERINTENDENT OF PUBLIC WORKS.**

(a) Created: A Superintendent of Public Works shall be appointed by the President by and with the consent of the Board of Trustees.

(b) Duties: The Superintendent of Public Works shall supervise the maintenance, repair and care of all public properties in the Village including, but not limited to parks, municipal buildings, waterworks, sewers, sidewalks, alleys and streets, and all equipment and material pertaining to such work.

### **3.06 COLLECTOR.**

(a) Created: There is hereby created the office of Collector.

(b) Appointment: The President shall appoint, by and with the advice and consent of the Board of Trustees, the Collector.

(c) Duties: The duties and responsibilities of the Collector shall include, but not be limited to:

1. Preserve all warrants returned to the Collector's office;
2. Keep books and accounts in such manner as designated by the Corporate Authorities;
3. Pay over to the Treasurer, weekly, all monies collected from any source and file a receipt for same in the Clerk's office;

4. Make such reports as may be required by the Corporate Authorities of all monies collected and filed with the Clerk's office in an annual report as required by Statute;
5. Receive all monies due the Village except those paid directly to the Treasurer;
6. Is prohibited from keeping the Village's money beyond the time prescribed for payment to the Treasurer;
7. Provide administrative assistance to the President; (*Ord. 2022-12*)
8. Maintain Village office hours Monday through Friday from 9 a.m. to 4 p.m. (includes ordering necessary office supplies as authorized by the Corporate Authorities, handling telephone requests and dispatching for all Village departments during normal office hours and receiving and distributing daily mail);
9. Serve as payroll clerk (prepare payroll checks, maintain employee files, prepare federal and State reports);
10. Handle all accounts payable (receive and code invoices, prepare warrants for department and Corporate Authorities' approval, prepare checks, and maintain vendor files);
11. Handle all accounts receivable including all water and sewer collection responsibilities such as making out all bills for water and sewer service and collection of same, prepare meter reading books for quarterly readings and compile usage;
12. Perform all other duties pertaining to the office as are and may be imposed by law or resolution of the Corporate Authorities.

### **3.07 BUILDING INSPECTOR.**

(a) Created: The Building Inspector shall be selected by the President with the advice and consent of the Board of Trustees.

(b) Duties: The Building Inspector shall enforce the ordinances of the Village relating to the construction and maintenance of buildings, and the zoning regulations. He shall perform such other duties as are prescribed by ordinance or directed by the Superintendent of Public Works.

(c) Electrical Duties: The Building Inspector shall enforce the ordinance of the Village relating to electrical equipment and electrical installations in the Village.

(d) Plumbing Duties: The Building Inspector shall enforce the laws of the State and the ordinances of the Village relating to plumbing inspections in the Village, and connections to the water and sewer systems of the Village. He shall be the administrative authority of the Plumbing Code adopted by this Code.

**3.08 VILLAGE ENGINEER.**

(a) Created: The Village Engineer shall be appointed by the President by and with the advice and consent of the Board of Trustees.

(b) Duties: The Village Engineer shall have charge of and supervision over the making of all surveys, plans, specifications, maps, reports and investigations regarding public works and other Village facilities, any other matter that requires the expertise of a professional engineer, and shall perform such other duties as required by law.

(c) Fees:

1. Whenever any person is required by the Village to submit plans, specifications or other documents to the Village Engineer for review, comments and approval or disapproval, such person shall be responsible for the fees charged by the Village Engineer in connection therewith.
2. Whenever any person shall, of his own volition, submit plans, specifications or other documents to the Village Engineer, acting in his official capacity as Village Engineer, for his review, approval, disapproval or comments upon said plans, specifications or other documents, the person submitting the same shall be responsible for the fees charged by the Engineer in connection therewith.

**3.09 VILLAGE ADMINISTRATOR, OFFICERS AND EMPLOYEES.** *(Ord. 2022-07)*

(a) Village Administrator.

1. Created: There is hereby created the Office of Village Administrator, an executive office of the Village. The Administrator shall be appointed and removed by the President, with the advice and consent of the Board of Trustees.
2. Chief Administrator: The Administrator, under and subject to the discretion of the President, shall be responsible to the President and Village Board of Trustees for the proper direction of the administrative affairs of the Village. The Village Administrator shall not be required to be a resident of the Village. The Village may contract with the Administrator for the services.
3. Execution of Policy, Meetings: The Administrator shall execute, on behalf of the Village Board, its policies, administrative supervision and control of the affairs of the Village and its employees. In controlling the affairs of the employees, the Administrator shall be solely responsible for updating and implementing the Personnel Policy and Procedures Manual with the advice and consent of the Board of Trustees.
4. Liaison with Boards, Commissions: The Administrator shall cooperate

with the advisory boards and commissions created by the Village Board, and those that may be created.

5. Supervision Over Departments: The Administrator shall supervise and coordinate the work of all departments of the Village, except the Village Engineer and Village Attorney. However, the Administrator is expected to work closely with the Village Engineer and Village Attorney to coordinate and administer their activities so Village Board policies in those areas are properly implemented.
6. Pay Scale Recommendations: The Administrator shall, in coordination with the departments involved, recommend to the President and Village Board a standard schedule of pay for employee classifications in the service of the Village.
7. Investigation of Complaints: The Administrator shall be notified and receive and have investigated all complaints in relation to matters concerning the administration of the government of the Village, and the services maintained and provided by the Village.
8. General Recommendations: The Administrator shall recommend to the President and the Village Board the adoption of such measures as deemed necessary or expedient for the health, safety or welfare of the community, or for the improvement of the services rendered by the Village, when such measures require action by the Village Board.
9. Additional Duties: The Administrator shall perform such other duties as may be requested by the President and/or the Village Board of Trustees, consistent with laws and ordinances of the Village.
10. Compensation: Compensation of the Administrator shall be as determined by the Village Board.

(b) Officers.

1. Appointments and Removals: The President, with the advice and consent of the Board of Trustees, shall make appointments to fill all appointive offices. The President, with the advice and consent of the Board of Trustees, may remove any appointed officer.
2. Terms of Office; Vacancies: Except for the Village Clerk and Village Collector, every appointed officer of the Village shall hold office for a term of one year or until his successor is appointed and qualified unless it is otherwise provided by the provision of this Code. The persons appointed to the office of Village Clerk and Village Collector, shall hold office for a term of four years.
3. Assignment of Duties: The President shall have the power to assign to any appointive officer any duties which is not assigned by ordinance to some other specific officer and shall determine disputes or questions

relating to the respective powers or duties of officers.

4. Records: All records kept by any officer of the Village shall be open to inspection by any member of the Corporate Authorities, at all times, whether or not such records are required to be kept by statute or a provision of this Code.
5. Moneys Received: At least daily, every officer of the Village shall turn over all moneys received by him in his official capacity to the Clerk's office with a statement which shows the source from which the same was received.
6. Oath: Every officer of the Village shall, before entering upon his duties, take the oath prescribed by law. Oaths of office shall be filed with the Clerk.
7. Bond: Before entering upon the duties of their respective offices, all officers, except Trustees, Village Attorney and Village Engineer shall execute a bond with security, to be approved by the Corporate Authorities and pursuant to 65 ILCS 5/3.1-10-30. The Village shall pay the premium for such bond.
8. Salaries: All officers of the Village shall receive such salaries as may be provided from time to time by ordinance. No officer receiving a salary from the Village shall be entitled to retain any portion of any fees collected in performance of his duties as municipal officer in the absence of a specific ordinance provision to that effect.
9. Termination of Office: Every officer of the Village, upon the termination of his office, 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 either to the Clerk or to the Administrator.

(c) Employees.

1. Hiring and Termination: Employees of all departments shall be selected and terminated by the Administrator, in the absence of a provision to the contrary.
2. Terms of Employment: Employees of the Village shall be at-will employees unless they are employees covered under a collective bargaining agreement in which case the terms of the applicable collective bargaining agreement shall govern.
3. Assignment of Duties: The Administrator shall have the power to assign to any employee any duties and shall determine disputes or questions relating to the respective duties of employees.

4. Records: All records kept by any employee of the Village shall be open to inspection by the Administrator, at all times, whether or not such records are required to be kept by statute or a provision of this Code.
5. Moneys Received: At least daily, every employee of the Village shall turn over all moneys received by him in his official capacity to the Clerk's office with a statement which shows the source from which the same was received.
6. Salaries: All employees of the Village shall receive such salaries as may be provided from time to time by ordinance. No employee receiving a salary from the Village shall be entitled to retain any portion of any fees collected in performance of his duties as employee in the absence of a specific ordinance provision to that effect.
7. Termination of Employment: Every employee of the Village, upon the termination of his employment, shall deliver to his successor all books and records which may be the property of the Village; and if no successor has been hired after the termination of office, such property shall be delivered either to the Clerk or to the Administrator.

### **3.10 EMPLOYEES' RIGHT TO PAID LEAVE.** *(Ord. 2023-16)*

(a) All regular, full-time employees of the Village will, at all times, be provided no less than 40 hours of any form of paid leave for every consecutive 12 month period of their employment.

(b) All part-time, temporary, and seasonal employees of the Village will, at all times, be provide no less than 1 hour of any form of paid leave for every 40 hours worked, up to a minimum of 40 hours.

(c) The Village through its Personnel Policies may make adjustments to eligibility and accrual rates for various forms of paid leave, including sick leave, on an ongoing basis without impacting, affecting, or altering this ordinance, but in no event shall the rights to paid leave provided to employees be less than what is provided herein.

(d) The rights of employees working for non-municipal employers within the Village shall be as stated in the Paid Leave for All Workers Act, 820 ILCS 192/1 *et seq.*, as may be amended from time to time.

### **3.11 INDEMNIFICATION.**

In the event a lawsuit is filed against any former or current elected Village official for acts relating to Village business affairs while in office, the Village shall retain and pay counsel of its choice to defend the official. The Village shall also indemnify the official for any acts for which he or she is found liable within the scope of his or her office. The protection afforded to officials in this Section shall apply where defense and indemnity is not adequately provided for, without any conflict of interest by the Village's liability insurance carrier. In the event of a conflict of interest reasonably deemed to exist by the Village Attorney or the Corporate Authorities, separate counsel chosen by the Village official shall be retained at the Village's

cost. At no time shall the hourly rate paid to any such attorney chosen by the official, paid for under these provisions, exceed the hourly rate of the then acting Village Attorney. Nothing in this Section shall be construed as providing indemnification for any portion of a judgment representing an award of punitive or exemplary damages.

### **3.12 POLICE DEPARTMENT.**

(a) Created: There is hereby created a Police Department of the Village which shall consist of the Chief of Police, a Lieutenant, a Sergeant and such other ranks of police officers prescribed by ordinance. The Chief of Police shall be appointed by the President with the advice and consent of the Board of Trustees on such terms and conditions as may be fixed by ordinance, resolution or written agreement with such person. The President is authorized to remove the Chief of Police. (*Ord. 2016-03*)

(b) Board of Police Commissioner: The Board of Police Commissioners shall perform all duties imposed and have all privileges conferred upon it by law. Commissioners shall be appointed by the President, with the advice and consent of the Board of Trustees pursuant to applicable law.

(c) Duties: The Chief of Police and members of the Police Department shall enforce the ordinances of the Village and the laws of the State. They shall preserve order, prevent infraction of the law and violation of the laws or ordinances of the Village and perform such other duties as may be lawfully prescribed by the Chief of Police.

(d) Residence: The Chief of Police shall reside within an area no further than five miles from the corporate limits of the Village. All other full-time members of the Police Department shall reside within 15 miles from the corporate limits of the Village.

#### **3.12.1 PART-TIME POLICE.**

(a) Employment: The Village may employ part-time police officers from time to time as it is deemed necessary.

(b) Duties: A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Richmond Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall not be assigned to supervise or direct full-time police officers.

(c) Hiring Standards: Any person employed as a part-time police officer must meet the following standards:

1. Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
2. Be at least 21 years of age.
3. Pass a medical examination.
4. Possess a high school diploma or GED certificate.

5. Possess a valid State of Illinois driver's license.
6. Possess no prior felony convictions.
7. Any individual who has served in the U.S. military must have been honorably discharged.
8. Be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1, *et seq.*) and the rules and requirements of the ILETSB.

(d) Discipline: Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the Village authorities, shall not have any property rights in said employment and are at-will employees. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

### **3.13 MUNICIPAL AND FISCAL YEAR.**

The municipal year and the fiscal year of the Village shall commence on May 1 of each year and end on April 30 of the following year.

### **3.14 VILLAGE SEAL.**

The corporate seal of the Village shall be heretofore adopted by the Village.

### **3.15 EMERGENCY SERVICES AND DISASTER AGENCY.**

(a) Creation: There is hereby created the Richmond Emergency Services and Disaster Agency (RESDA) to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or manmade disaster, in accordance with the Illinois Emergency Management Agency Act (20 ILCS 3305/1 *et seq.*). ("State EDSA")

(b) Personnel: The personnel of RESDA shall consist of the coordinator and such additional members as may be selected by the coordinator.

(c) Coordinator: The coordinator of the RESDA shall be appointed by the President and shall serve until removed by same.

The coordinator shall have direct responsibility for the organization, administration and training of RESDA subject to the direction and control of the President, as provided by statute.

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

(d) Functions: RESDA shall perform such emergency and disaster service functions within the Village as shall be prescribed in and by the State ESDA plan and program prepared by the governor, and in addition shall perform such duties outside the corporate limits

as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the State ESDA.

(e) Mobile Support Team: All or any members of RESDA may be designated as members of a Mobile Support Team created by the State ESDA director, as provided by law.

The leader of such Mobile Support Team shall be designated by the RESDA coordinator.

Any member of the Mobile Support Team, who is a Village employee or officer while serving on call to duty by the governor, or the State ESDA director, 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.

(f) Mutual Aid Agreements: The RESDA coordinator may negotiate mutual aid agreements with other political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Corporate Authorities and by the State ESDA director.

(g) Emergency Action: If the governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of a major disaster resulting from enemy sabotage or other hostile action, or from manmade or natural disaster, it shall be the duty of RESDA to cooperate fully with the State ESDA and with the governor in the exercise of emergency powers as provided by law.

(h) Compensation: Members of RESDA who are paid employees or officers of the Village, if called for training by the State ESDA director, shall receive for the time spent in such training the same rate of pay as it attached to the position held; members who are not such Village employees or officers shall receive for such training time such compensation as may be established by the Corporate Authorities.

(i) Purchases and Expenditures: The Corporate Authorities may authorize any purchase or contracts 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 manmade or natural disaster. In the event of enemy caused or other disaster, the coordinator of RESDA is authorized, on behalf of the Village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by statute, provided that if the Corporate Authorities meet at such time the coordinator shall act subject to the directions and restrictions imposed by that body.

(j) Reimbursement by State: The Treasurer may receive and allocate to the appropriate fund any reimbursement by the State to the Village for expenses incident to training members of RESDA as prescribed by the State ESDA director, compensation for services and expenses of members of the Mobile Support Team while serving outside the Village in response to a call by the governor or State ESDA director, as provided by law, and any other reimbursement made by the State incident to RESDA activities as provided by law.

(k) Oath: Every person appointed to serve in any capacity in the RESDA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Clerk:

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such times as I am affiliated with the Village of Richmond ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence.”

(l) Office: The President is authorized to designate space in a Village Hall, or elsewhere, as may be provided for by the Corporate Authorities for RESDA as its office.

(m) Tax Levy: The Village may make an appropriation for RESDA purposes in the manner provided by law, and may levy in addition for RESDA purposes only, a tax not to exceed five cents per \$100.00 of the assessed value of all taxable property in addition to all other taxes, as provided by the statute; however that amount collectable under such levy shall in no event exceed \$.25 per capita.

(n) Local Disaster Emergency: A local disaster emergency may be declared only by the President. It shall not be continued or renewed for a period in excess of 3 days except by or with the consent of the Corporate Authorities. Any order or proclamation shall be given prompt and general publicity and shall be filed promptly with the Clerk.

The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local or interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.

(o) Emergency Interim President:

1. In accordance with and pursuant to the Emergency Interim Executive Succession Act, 5 ILCS 275, *et seq.*, which is incorporated herein by reference, the following officers are hereby designated as the emergency interim successors to the office of the President in the following order:

(i) The Trustee with the highest number of years in office.

(ii) The Trustee with the second highest number of years in office.

- (iii) The Trustee with the third highest number of years in office.
  - (iv) The Trustee with the fourth highest number of years in office.
  - (v) The Trustee with the fifth highest number of years in office.
  - (vi) The Trustee with the sixth highest number of years in office.
2. The emergency interim successor shall exercise the powers and discharge the duties of the office of the President until such time as a vacancy which may exist shall be filled in accordance with the law, or until the President or the preceding emergency interim successor again becomes available to exercise the powers and discharge the duties of his office.
- (p) Local State of Emergency: Whenever an emergency, as is defined in subsection (1) of this section exists, or imminent emergency, the Board of Trustees may activate the President's extraordinary powers, as set forth in this section, with such limitations as the Board of Trustees deems necessary. (*Ord. 2020-05*)
1. Definitions: The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Emergency: (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (2) any natural disaster, epidemic, or manmade calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the Village, resulting in or threatening 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.
- Curfew: 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 person officially designated to duty with reference to said civil emergency.
2. Declaration: Whenever an emergency, as defined in subsection (1) of this section exists, the President is authorized to declare the existence of a Local State of Emergency by means of a written declaration of the President, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this section. This declaration must be filed with the Village Clerk as soon as practicable after issuance.

3. Curfew Authorized: After the declaration of a Local State of Emergency by the President, the President may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as the President deems reasonable and advisable, and applicable during such hours of the day or night as the President deems necessary in the interest of public safety and welfare.
4. Orders Authorized: After the declaration of a Local State of Emergency, the President may also, in the interest of public safety and welfare, and to address this issues caused threatened by the emergency, may take any or all of the following actions by executive order during the Local State of Emergency:
  - (i) All actions reasonably necessary to respond to the emergency;
  - (ii) Approve previous expenditures of the Village for the purpose of continuing the operations of the Village;
  - (iii) Authorize agreements for purchases and contracts that impose a financial obligation on the Village that would otherwise be required to be authorized by the Board of Trustees;
  - (iv) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the President shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency;
  - (v) 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;
  - (vi) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer;
  - (vii) 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 vehicles; and
  - (viii) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
5. Duration: The declaration of a Local State of Emergency herein authorized shall be effective for a period of up to thirty (30) days or until the adjournment of the next regular or special meeting of the Board of Trustees, whichever comes first, unless sooner terminated by a declaration of the President, or, his or her interim emergency successor,

indicating that the emergency no longer exists. The President or his or her interim emergency successor, shall have the power to re-declare the existence of an emergency at the end of each 30-day period during the time said emergency exists.

6. Notice: Upon issuing the declaration of a Local State of Emergency herein authorized, the Village shall notify the news media situated within the Village, and shall cause at least four copies of the declaration of a Local State of Emergency and any curfew authorized to be posted at the following places within the Village: the Village Hall, the Police Station, the Post Office, and in the area of any curfew.
7. Violations: Any person violating the provisions of this section or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be punished as provided by Section 1.04 of this Code.
8. Effect on Other Ordinances: Nothing contained in this section shall be construed to impair the powers contained in this Code, giving powers to the police and fire departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.

### **3.16 PARTICIPATION IN THE ILLINOIS MUNICIPAL RETIREMENT FUND.**

(a) Findings: Article 7 of the Illinois Pension Code provides that a municipality may elect to participate in the Illinois Municipal Retirement Fund (“IMRF”) by the adoption of a resolution or ordinance of its governing body, participation to begin on the 1st day of January following receipt by the IMRF Board of Trustees of official notice of the election by the municipality.

(b) Election: The Village does hereby elect to participate in the IMRF, effective January 1, 1986.

(c) Participation: The standard for IMRF participation shall be a position normally requiring performance of duty for 1,000 hours per year.

(d) Filing: The Clerk shall promptly file a certified copy of this ordinance with the IMRF Board of Trustees.

### **3.17 TRAVEL EXPENSE REIMBURSEMENT. (Ord. 2016-29)**

(a) Interpretation: This section shall be interpreted to be consistent with the Local Government Travel Expense Control Act, 50 ILCS 150.

(b) Definitions: As used in this section:

1. Entertainment: includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

2. Travel: means any expenditure directly incident to official travel by employees and officers of the Village or direct payment to private agencies providing transportation or related services.

(c) Official Business Requiring Expenses: Travel, meal, and lodging expenses will only be allowed for official business of the Village which is necessary to the functioning or improvement of the Village. If the business can be done remotely, no expenses will be allowed. All effort shall be taken to avoid expenses. This includes scheduling meetings within the Village as opposed to offsite.

(d) Entertainment Expenses: No entertainment expenses may be reimbursed.

(e) Maximum Reimbursement: The maximum reimbursements allowed for expenses shall be:

1. Mileage: The current rate for mileage set by the Internal Revenue Service.
2. Meals (Breakfast, Lunch, Dinner): \$60.00/day. (Ord. 2019-15)
3. Lodging: \$175.00/night or government rate, whichever is less.
4. Other travel: \$1,000.00 per round trip.

(f) Emergencies: In emergencies, amounts in excess of the above maximum limits may be permitted by the corporate authorities.

(g) Expense Form: All anticipated and incurred expenses shall only be approved if submitted in the proper manner, including the information listed below.

(h) Approval by the President: The Village President is responsible for approving expenses incurred by employees and officers which are under the amounts in subsection (e).

(i) Approval by Corporate Authorities: Any expenses incurred or to be incurred over the maximum levels in subsection (e), and any expenses incurred or to be incurred by members of the corporate authorities, may only be approved if the following information is provided by the employee or Board Member in writing, signed and dated and approved by the President and Board of Trustees by a roll-call vote at an open meeting:

1. Name and Position (employee, trustee, etc.);
2. Date(s) for which reimbursement is requested;
3. Nature of the official business requiring this expense;
4. Detailed estimate of anticipated expenses OR explanation of expenses incurred; and
5. Any receipts for expenses already incurred must be attached to the submission; if a longer explanation is required, please provide additional information.

(j) Public records: This policy and all forms submitted relative to this policy are public records.

(k) No Right to Reimbursement: Nothing in this policy shall be construed as a right for any employee or officer to be reimbursed for expenses. No reimbursement may be given without approval by the President or the corporate authorities. Employees and officers should, to the extent possible, obtain prior approval of their anticipated expenses before incurring any

expenses.

**CHAPTER 4  
STREETS AND SIDEWALKS**

- 4.01 Supervision
- 4.02 Names of Streets
- 4.03 Numbering Buildings
- 4.04 Damage to Streets
- 4.05 Encroachments on Street
- 4.06 Obstructing Streets
- 4.07 Builders Occupying Street
- 4.08 Materials in Streets
- 4.09 Excavations and Work in Streets (*Ord. 2000-1*)
- 4.10 Laying of Pipe in Streets
- 4.11 Moving Structures on Streets
- 4.12 Debris in Streets
- 4.13 Protection of Work in Streets
- 4.14 Barbed Wire Fences
- 4.15 Advertising on Streets
- 4.16 Driveways (*Ord. 2021-02*)
- 4.17 Trees
- 4.18 Snow Removal from Sidewalks (*Ord. 2019-29*)
- 4.19 Construction of Sidewalks
- 4.20 Mailboxes
- 4.21 Construction of Utility Facilities in the Public Right-of-Way (*Ord. 2018-10; Ord. 2024-16*)
- 4.22 Small Cell Ordinance (*Ord. 2018-10; Ord. 2024-17*)
- 4.23 Penalties (*Ord. 2018-10*)

**4.01 SUPERVISION.** All public streets, alleys, sidewalks and other public ways shall be under the supervision of the Superintendent of Public Works. He shall have supervision over all work thereon, and the cleaning thereof, and shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinances.

**4.02 NAMES OF STREETS.** All streets of the village shall be known and designated by the names and designated by the names applied hereto, respectively, on the map of the village kept on file in the office of the Village Clerk and the street names designated on said map shall continue to be the name of streets unless and until changed by ordinance of the Board of Trustees.

**4.03 NUMBERING BUILDINGS.** Buildings located along the streets of the village shall be numbered in accordance with a chart kept by the Village Clerk showing the proper street number of each lot. The owner of any such building shall place such number on his building so as to be visible from the street.

**4.04 DAMAGE TO STREETS.** No person shall damage or deface any street, alley, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic

sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon, except as may be authorized by the village.

**4.05 ENCROACHMENTS ON STREET.**

(a) No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk or public way except by permit from the Board of Trustees. Application for such permit shall describe the nature of the encroachment in such detail as the Board shall require. The Board in its discretion may issue or deny the permit, and may impose any conditions to such permit it deems appropriate.

(b) Awnings made of a pliable substance attached to a building and extending not less than 8 feet above the surface of the sidewalk may be erected and maintained without a permit.

(c) Any encroachment on any street, alley, sidewalk or public way shall be maintained so that it does not endanger or obstruct the public.

(d) Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the village.

**4.06 OBSTRUCTING STREETS.**

(a) No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk, alley or public place, except as may be permitted by this chapter.

(b) Goods, wares and merchandise may be placed on sidewalks for such reasonable time as may be necessary while loading and unloading, provided pedestrian traffic is not obstructed.

**4.07 BUILDERS OCCUPYING STREET.**

(a) Permission. Building permits shall be held to imply a license to occupy such portion of the public street and sidewalk abutting upon and adjacent to such buildings for private use in connection with the actual building operations under such permit as is required, subject to the supervision and direction of the Superintendent of Public Works or Village Board.

(b) Materials on Streets. No materials except those required for immediate use in connection with a building or structure, or the alteration or repair thereof under such permit, shall be placed upon the street or sidewalk abutting upon or adjacent to such building. As soon as such building or structure is under roof, all materials shall be placed within the lot line, and the street and sidewalk cleaned and placed in the same condition as before the beginning of building operations under such permit.

(c) Area Used; Temporary Walks. No more than one-half the space between the center line of the street and the lot line of the premises upon which such building alterations or repairs are being conducted under such permit, and no more than one-third the width of any public sidewalk, shall be occupied under such permit; provided the full width of the sidewalk may be occupied by the consent of the Village Board, and the providing of a temporary walk

leading around the obstructed portion of the sidewalk connecting with the permanent walk at either end thereof. Such temporary walk shall be constructed to the satisfaction of the Village Board, and it shall be their duty to cause the same to be made safe and secure for public travel upon the same.

(d) Access to Hydrants, Drains. No building material, temporary walk or obstruction shall be placed so to render inaccessible access to, or obstruct any fire hydrant, manhole, catch basin or vault, or render impassable to vehicles any street, alley or public way.

(e) Cleaning Walk. The holder of such permit shall at all times, during the work thereunder, maintain the portion of the permanent sidewalk reserved or the temporary walk above provided for, in a safe condition and clear of all material, rubbish, dirt or snow.

(f) Barriers. He shall erect and maintain a sufficient and suitable fence, railing or barricade to guard all excavations, embankments or obstructions along the street, obstructed during the time he shall occupy the same under such permit.

(g) Lights. He shall place and maintain proper and sufficient amber lights or tallow pots on each end of every such obstruction or excavation and at intervals of 50 feet along the same at night. No person shall remove, extinguish or disturb the lights or pots.

(h) Obstructing Gutters. He shall at no time obstruct the gutter or waterway of any street, so as to prevent free passage of water along the street, and if any gutter be shaded or covered so that ice accumulated therein, he shall clear the gutter of such ice so as to allow the water to pass freely at all times.

#### **4.08 MATERIALS IN STREETS.**

(a) Any person not holding a building permit shall not store any materials on any street, sidewalk or public place without a permit therefor from the village.

(b) The fee for such permit shall be \$50.

(c) The permittee shall conform to the provisions of Section 4.07 relating to builders occupying streets to the extent they are applicable, and to such other conditions as the village may impose when granting the permit.

#### **4.09 EXCAVATIONS AND WORK IN STREETS.**

(a) Permit. No person shall change the grade or level, or injure or tear up any pavement of any street, sidewalk, crosswalk or curb, or any part thereof, dig any hole, trench, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street or public ground in the village without first obtaining a permit from the office of the Village Clerk as hereinafter provided. Before such permit shall issue, it shall first be approved by the Superintendent of Public Works and, in the event that the permit is obtained for the purpose of making a connection to a sewer or water facility of the village located in any public street, the Superintendent of Public Works may, if practical, require the applicant to tunnel or auger instead of removing or injuring the pavement.

(b) Fee and Bond. The fee for a permit required under this section is \$50. The applicant shall also deposit a performance bond as follows:

1. The Board of Trustees may require for an excavation on any primary Streets (all plant-mix mat surfaces) a \$10,000.00 performance bond.
2. For excavation on secondary streets (all gravel, dirt and like surfaces) a \$2,500.00 performance bond.

The bond shall guarantee the applicant faithful and prompt restoration of the excavated area in accordance with the provisions of the ordinances of the Village of Richmond and the maintenance thereof for a period of two years. All public utilities operating under a franchise with the village shall be exempt from the requirements of this subsection (b). (*Ord. 2000-1*)

(c) Protection of Village. Any applicant using or excavating any portion of any street pursuant to the issuance of a permit shall save and keep the village free, clear and harmless from any loss or liability on account of any accident or damages resulting from such excavation or work, and shall enter into a hold harmless agreement with the village to this effect at the time the permit is issued. The applicant shall fully remove all material, dirt and rubbish from the space so occupied, and restore such street to its original condition immediately upon the expiration of the period named in the permit.

(d) Repairing and Replacing of Excavations. The person excavating in any street or public place shall, if required by the Superintendent of Streets to do so, immediately upon completion of the work, and as fast as practicable during the accomplishment thereof, refill the excavations. All excavations shall be backfilled and rammed to a width of two feet wider than the traveled surface of the road over the excavation, and the backfill material shall only consist of sand, compacted in no more than eight inch lifts, to within eight inches of the top of the road surface, and then such final layer of backfill shall consist of the road base gravel to the underside of the road hardtop surface. Any earth and other materials that have been excavated that may not be used for backfill shall be removed from the site. Such work shall be done to the satisfaction of the Superintendent under his direction. The Superintendent may adopt other proper rules and regulations for such relaying and replacing of such pavements and material. The Superintendent may relay all pavement caused by any street opening other than those openings specifically required to be relayed by others or by the Board of Trustees from time to time.

(e) Protected Excavations and Obstructions. It shall be the duty of any person engaged in digging into or working upon a street or public place, or who places building materials on any street or public place, where such work if left exposed would be dangerous to pedestrians, to erect a positive barrier around all such excavation or work in such manner as to prevent danger to pedestrians. It shall be the duty of such person to place and maintain lighted type1barricades around the work until the excavation is properly backfilled. (*Ord. 2000-15*)

(f) Liability for Damages. Any person performing any of the work mentioned in this section shall be liable for any damage which may be occasioned to persons or property by reason of carelessness connected with the work.

(g) Village Excavations. Whenever a street or other public place is excavated by the village, the village shall erect and maintain the fencing and lights required by this section.

(h) Notice to Village. Whenever any public street is obstructed or rendered impassable for vehicles by an excavation therein, or by the occupation thereof by building materials, or by any house in the process of moving, the person so obstructing such street shall immediately notify the Village Clerk of the location of such excavation or other obstruction, and of any change therein from day to day, during the progress of the work causing such obstruction.

(i) Winter Work. There shall be no excavation in the public streets of the village after November 15 in a given year and before April 15 in the next year, except that excavation shall be allowed for purposes of making necessary repairs of any condition which affects public health and safety. After November 1 and before November 15 no excavation may remain open during non-working hours at the site of the excavation, and such excavation shall be completely backfilled as required herein.

#### **4.10 LAYING OF PIPE IN STREETS.**

(a) Permit. No sewer, water, pipe, conduit pipe, gas pipe, wire or cable for conveying electric current nor any street or alley pavement, sidewalk, or other like improvement shall be placed, laid or maintained in, under, or upon any street, alley, sidewalk, easement of passage or public place, except improvements constructed under special assessment proceedings, unless a permit authorizing the same has been issued by the village.

(b) Location of Gas Pipes. Any gas pipes when placed in any public street or alley shall be laid so that there will be no interference with sewers or water pipes, and before any pipes are laid, permission must be secured from the village and same must be placed in a portion of the street or alley as may be directed by the village.

(c) Map to be Filed. Every gas company that lays down gas pipes in any public street or alley shall make and file with the Village Clerk an accurate map showing the exact location of every line of pipe laid by it, which map shall be accessible for public inspection and shall be kept constantly revised to show any changes or additions.

**4.11 MOVING STRUCTURES ON STREETS.** No person shall move any building or structure on any street without a permit from the Superintendent of Public Works. The Superintendent of Public Works may issue the permit under such conditions as it may reasonably prescribe to protect the streets and village and private property and to minimize public inconvenience. He may require the permittee to execute a bond or insurance contract in behalf of the village in such amount as he deems appropriate conditioned that the permittee will comply with the conditions of the permit and indemnify the village against any damage caused to village or private property or any person by removal of the building or structure. *(Ord. 2000-15)*

#### **4.12 DEBRIS IN STREETS.**

(a) No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park or public place, except building materials and merchandise as permitted under this chapter, or as may be permitted by the Superintendent of Public Works. *(Ord. 2000-15)*

**4.13 PROTECTION OF WORK IN STREETS.** Any person laying, or making an excavation in, or doing any work in any street, sidewalk or other public place shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work. Barricades shall be protected by suitable lights at night. Any defect in any pavement shall be barricaded to prevent injury. Any person maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open, by proper barricades and lights. No person shall interfere with or disturb any barricades or lights lawfully placed to protect new pavement or excavation or opening in any street, alley or sidewalk. *(Ord. 2000-15)*

**4.14 BARBED WIRE FENCES.** No person shall maintain or construct any fence composed in whole or part of barbed wire, except in locations where they exist at the time this code is passed, or with any similar materials designed to injure any person, or any wire charged with electrical current, except to protect industrial property, in which case the barbed wire must be at least six feet above the sidewalk and extend inward from the property line.

**4.15 ADVERTISING ON STREETS.** No person shall paint or post any signs or bills on any trees, poles or other structures in any street or on the surface of any street or sidewalk.

**4.16 DRIVEWAYS.**

(a) Specifications. Driveways across sidewalks may be constructed upon approval of plans by the Board of Trustees.

(b) Repair. The person maintaining a driveway shall keep it in good repair at the place where it crosses the sidewalk and free from any obstruction or other openings.

(c) Culverts. Culverts shall be constructed at the intersection of the driveway and the street as directed by the Board of Trustees.

(d) Culvert Obstruction. Culverts shall be kept free from obstruction and debris. It shall be the duty of the owner and/or occupant of the property with culvert at the intersection of the driveway and the street to keep said culvert free from any obstructions and debris.

(e) Parking and Vehicle Storage. No motorized or non-motorized vehicles, trailers, landscape and construction equipment, recreational vehicles, motor homes, campers, travel trailers, boats and other watercraft, motorcycles, motorized bicycles, all-terrain vehicles, snowmobiles, utility trailers or other trailers, shall be parked on gravel, grass, lawns or dirt. All parking shall be on a surface paved in accordance with the driveway and off-street parking specifications found in the Village of Richmond Unified Development Ordinance. *(Ord. 2021-02)*

**4.17 TREES.**

(a) Planting Permit. No person shall plant any tree or shrub in any street, parkway or other public place without first having secured a permit therefor. Application for such permit shall be made to the Clerk, and shall be referred by him to the Board of Trustees for approval.

(b) Removal Permit. No person shall remove or cut down any tree or shrub in any street, parkway or other public place without having first secured a permit therefor. Application for such permit shall be made to the Clerk, and shall be referred by him to the Board of Trustees for approval.

(c) Injury. No person shall injure any tree or shrub planted in any street, parkway or public place.

(d) Advertisements or Notices. No person shall attach any sign, advertisement or notice to any tree or shrub in any street, parkway or public place.

(e) Dangerous Trees. Any tree or shrub which overhangs any sidewalk, street or other public place in the village in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owners of the abutting premises on which such trees or shrub grows to that the obstruction shall cease. Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner the premises on which the tree grows or stands.

(f) Wires. No person shall attach any wire or rope to any tree without the permission of the Board of Trustees. Any person granted the right to maintain poles and wires in the streets, alleys or other public places in the village shall in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the village to insure that injury shall not be done to the poles, wires, shrubs and trees by contact with wires.

#### **4.18 SNOW REMOVAL FROM SIDEWALKS.**

(a) It shall be unlawful for the owner and any occupant of any building or vacant property that fronts on either side of the streets set forth in this section to allow snow of a greater depth than one-half inch to remain standing for more than 12 hours on the sidewalk along any such street. (*Ord. 2019-29*)

(b) The streets which are referred to in this section are as follows:

1. Main Street, from May Avenue to Kenosha Street; (*Ord. 2001-3*)
2. George Street, from East Street to the right-of-way of the Chicago & Northwestern Railroad;
3. Broadway, from East Street to the right-of-way of the Chicago & Northwestern Railroad;
4. Mill Street, from East Street to the right-of-way of the Chicago & Northwestern Railroad.

(c) The prohibition of this section shall apply jointly and severally to any owner or any occupant of such building or vacant property.

(d) Any person found guilty of violating the provisions of this Section shall be liable under penalty found in Appendix A of this Code for each offense.

**4.19 CONSTRUCTION OF SIDEWALKS.**

(a) All concrete walks installed in Right of Ways shall not be less than 4 feet in width; the excavation for the bed of said walks shall be not less than 8 inches in depth, said bed shall be made of CA-6, said fill shall be thoroughly compacted; concrete shall be no less than 4 inches thickness, it shall be poured to 6 inches deep in driveways or alleyways; concrete shall be 6 bags mix; it shall be sectioned into uniform blocks about 4 feet in length but not exceeding 6 feet in length; and shall be true to grade and ramped where necessary to meet A.D.A. requirements. *(Ord. 2001-9)*

(b) All cement sidewalks hereafter built, constructed or re-laid within the village shall be built with a slope of one-quarter of an inch to the foot from the center of said walks, except that in the business section of the village all such sidewalks shall be built with a slope of one-quarter inch to the foot toward the center of the street on which they are laid, and shall be built on the grade established or furnished by the Board of Trustees or the Superintendent of Public Works, and of the material and in the manner prescribed in this section.

(c) The cost of construction for all cement sidewalks of four feet in width or curbing built and constructed in accordance with the provisions of this Section 4.20, shall be divided and paid for in the following proportions: 50 percent of said cost shall be borne and paid for by the Village and 50 percent of said cost shall be borne and paid for by the owner or owners of the property abutting and adjacent to said sidewalk. *(Ord. 1993-47)*

(d) Any person desiring to lay any concrete or cement walk of more than 4 feet in width, before beginning such walk, shall obtain a permit to lay the same from the Superintendent of Public Works.

(e) Whenever it shall be considered necessary by the Board of Trustees or by the Superintendent of Public Works to construct a curbing incident to the construction of such sidewalk, the same shall be constructed under the direction of the Superintendent of Public Works; it shall be made of cement in the proportion of one portion of the best grade of Portland cement, five parts of clean sand and gravel or broken stone, and of a thickness and depth as directed by the Board of Trustees or Superintendent of Public Works, and one-half of the reasonable and necessary cost of the construction of said curbing shall be paid by the village upon the completion and acceptance of the same by the Board of Trustees; the other one-half of the said cost shall be paid by the owner of the property abutting on the sidewalk adjacent to said curbing.

(f) Where only a portion of the cost of constructing sidewalks or curbing is to be borne by the village, the village shall be chargeable with only its proportion of said cost of construction and not with any of the portion to be paid by the abutting or adjacent property owner, and the contractor or person constructing any such sidewalk shall collect from the village only that proportion of said cost of construction as provided for the village to pay in subsections (c) and (e) of this section, and the contractor or person doing said work shall under no circumstances charge the remaining cost of construction to the village.

(g) If any person shall build, renew, lay or relay, or knowingly assist in so doing, any sidewalk or portion thereof where no grade has been established, without first obtaining a grade therefor from the Superintendent of Public Works, or upon a grade contrary to that established by the Superintendent of Public Works, such person so offending shall be fined pursuant to Appendix A of this Code for each and every offense, and a like sum for every day he shall fail, neglect or refuse to relay, renew, build or construct such sidewalk or a portion thereof in conformity with the provisions of this Section.

**4.20 MAILBOXES.** Any container for the receipt of the United States mail at a given address that is served by a driveway for vehicular ingress and egress to the structure that has such address, and which container is freestanding, detached from the structure to which the address is associated, and which is commonly referred to as a "mailbox" shall be located as follows:

(a) No more than 30 inches from the roadway of the street;

(b) As near the side (as such side is hypothetically extended into the street) of the driveway opposite the side that would be approached in a vehicle as is practicable, and, in any event, no more than 8 feet beyond such opposite side. (*Ord. 1979-15*)

**4.21 CONSTRUCTION OF UTILITY FACILITIES IN THE PUBLIC RIGHTS-OF-WAY.** (*Ord. 1999-2; Ord. 2024-16*)

**4.21.010 PURPOSE AND SCOPE.**

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

(b) Facilities Subject to This Section. This Section applies to all facilities on, over, above, along, upon, under, across, or within the public rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Chapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement. This Section shall not apply to any facilities constructed by others to be owned by the Village.

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

(d) Effect of Franchises, Licenses, or Similar Agreements.

1. Utilities Other Than Telecommunications Providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license

or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

2. Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Section and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(e) Conflicts with Other Sections. This Section supersedes all Sections or parts of Sections adopted prior hereto that are in conflict herewith to the extent of such conflict.

(f) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Section, the utility shall comply with the requirements of this Section to the maximum extent possible without violating federal or State laws or regulations.

(g) Sound Engineering Judgment. The Village shall use sound engineering judgment when administering this Section and may vary the standards, conditions, and requirements expressed in this Section when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

**4.21.020 DEFINITIONS.** As used in this Section and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Subsection 4.21.020. Any term not defined in this Subsection 4.21.020 shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

AASHTO: American Association of State Highway and Transportation Officials.

ANSI: American National Standards Institute.

Applicant: A person applying for a permit under this Section.

ASTM: American Society for Testing and Materials.

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

Bore or Boring: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

Carrier Pipe: The pipe enclosing the liquid, gas or slurry to be transported.

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

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

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

Code: The Municipal Code of the Village of Richmond.

Conductor: Wire carrying electrical current.

Conduit: A casing or encasement for wires or cables.

Construction or Construct: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

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

Crossing Facility: A facility that crosses one or more right-of-way lines of a right-of-way.

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

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

Encasement: Provision of a protective casing.

Engineer: The Village Engineer or his/her designee.

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

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

Extra Heavy Pipe: Pipe meeting ASTM standards for this pipe designation.

Facility: All structures, devices, objects, and materials (including track and rails, wires, ducts, fiber optic cable, communications and video cables and wires, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Section, except those owned by the Village.

Freestanding Facility: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

Frontage Road: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

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

Highway Code: The Illinois Highway Code, 605 ILCS 5/1-101 *et seq.*, as amended from time to time.

IDOT: Illinois Department of Transportation.

ILCC: Illinois Commerce Commission.

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

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

Joint Use: The use of pole lines, trenches or other facilities by two or more utilities.

Major Intersection: The intersection of two or more major arterial roads.

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

Parallel Facility: A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

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

Pavement Cut: The removal of an area of pavement for access to facility or for the construction of a facility.

Permittee: That entity to which a permit has been issued pursuant to Subsections 4.21.040 and 4.21.050 of this Section.

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

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

Petroleum Products Pipelines: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

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

Public Entity: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

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

Right-of-Way: Any street, alley, other land or waterway, dedicated or commonly used for roadway or utility purposes, including utility easements in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. “Right-of-way” shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures, and other structures or improvements, regardless of whether they are situated in the right-of-way.

Roadway: That part of the right-of-way that includes the pavement and shoulders.

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

Security Fund: That amount of security required pursuant to Subsection 4.21.100.

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

Sound Engineering Judgment: A decision(s) consistent with generally accepted engineering principles, practices and experience.

Superintendent of Public Works: The Village Superintendent of Public Works or his/her designee.

Telecommunications: This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points of wide, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, “telecommunications” shall also include wireless telecommunications as defined in the Illinois Telecommunications Infrastructure Maintenance Fee Act, 35 ILCS 635/1 *et seq.* “Telecommunications” shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. “Telecommunications” shall not include purchase of

telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

Telecommunications Provider: Means any person that installs, owns, operates or controls facilities in the public right-of-way used or designed to be used to transmit telecommunications in any form.

Telecommunications Retailer: Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

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

Utility: The individual or entity owning or operating any facility as defined in this Section.

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

Village: The Village of Richmond, IL.

Village's Design Requirements: The Village of Richmond's construction specifications and requirements embodied in the Village's Municipal Code.

Water Lines: Pipelines carrying raw or potable water.

Wet Boring: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

**4.21.030 ANNUAL REGISTRATION REQUIRED.** Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Superintendent of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in Subsection 4.21.080 of this Section, in the form of a certificate of insurance. A telecommunications provider that has registered under this Section shall be deemed to have satisfied the registration requirement under this Section.

**4.21.040 PERMIT REQUIRED; APPLICATIONS AND FEES.**

(a) Permit Required. No person shall construct (as defined in this Section) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Section), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the Superintendent of Public Works and obtaining a permit from the Village therefor, except as otherwise provided in this Section. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

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

(c) Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility's name and address and telephone and telecopy numbers;
2. The applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;
3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;
4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
5. Evidence that the utility has placed on file with the Village:
  - (i) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
  - (ii) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the

Village and shall promote protection of the safety and convenience of the public. Compliance with ILCC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;

6. Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
7. Evidence of insurance as required in Section 4.21.080 of this Section;
8. Evidence of posting of the security fund as required in Subsection 4.21.100 of this Section;
9. Any request for a variance from one or more provisions of this Section (see Subsection 4.21.210); and
10. Such additional information as may be reasonably required by the Village.

(d) Supplemental Application Requirements for Specific Types of Utilities. In addition to the requirements of Subsection (c) of this Subsection 4.21.040, the permit application shall include the following items as applicable to the specific utility that is the subject of the permit application:

1. In the case of new electric power, communications or natural gas distribution system installation, evidence that any “Certificate of Public Convenience and Necessity” has been issued by the ILCC that the applicant is required by law, or has elected, to obtain;
2. In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
3. In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied and provide copies of IEPA permits;
4. In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control, or other local or state entities with jurisdiction, have been satisfied and provide copies of IEPA permits; or
5. In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

6. With regard to installation of Small Cell Antennas or Towers to be attached to new or existing poles or structures, the provisions of Section 4.22 of the Village Code shall also apply and, in the event of any conflict with the provisions of this Section 4.21, the provision in Section 4.22 shall control. (*Ord. 2018-10*)

(e) Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty (30) days after the change necessitating the amendment.

(f) Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Section shall be accompanied by a fee in the amount of \$20.00 per 100 feet or a minimum of \$100.00. No application fee is required to be paid by any telecommunications retailer that is paying the municipal telecommunications infrastructure maintenance fee or the optional state telecommunications infrastructure maintenance fee pursuant to the Telecommunications Municipal Infrastructure Maintenance Fee Act, or by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

#### **4.21.050 ACTION ON PERMIT APPLICATIONS.**

(a) Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Superintendent of Public Works within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent of Public Works shall reject such application in writing, stating the reasons therefor. If the Superintendent of Public Works is satisfied that the proposed work conforms to the requirements of this Section and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent of Public Works shall issue a permit therefor as soon as practicable.

(b) Additional Village Review of Applications of Telecommunications Retailers.

1. Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Section for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation per Section 4 sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than ten (10) days prior to the commencement of work requiring no excavation and not less than thirty (30) days prior to the commencement of work requiring excavation. The Superintendent of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.
2. In the event that the Superintendent of Public Works fails to provide such specification of location to the telecommunications retailer

within either (i) ten (10) days after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) twenty-five (25) days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Section. The review does not commence until all required submittals are received by the Village.

3. Upon the provision of such specification by the Village, where a permit is required for work pursuant to Subsection 4.21.040 of this Section the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of Subsection (a) of this Subsection 4.21.050.

**4.21.060 EFFECT OF PERMIT.**

(a) Authority Granted; No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Section on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(b) Compliance with All Laws Required. The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and all applicable statutes, laws, ordinances, rules, and regulations.

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

**4.21.080 INSURANCE.**

(a) Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insured's on the policies listed in paragraphs 1 and 2 below:

1. Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as “X”, “C”, and “U” coverage’s) and products-completed operations coverage with limits not less than:
  - (i) Five million dollars (\$5,000,000) for bodily injury or death to each person;
  - (ii) Five million dollars (\$5,000,000) for property damage resulting from any one accident; and
  - (iii) Five million dollars (\$5,000,000) for all other types of liability;
2. Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars (\$1,000,000) for personal injury and property damage for each accident;
3. Worker’s compensation with statutory limits; and
4. Employer’s liability insurance with limits of not less than one million dollars (\$1,000,000) per employee and per accident.

(b) Excess or Umbrella Policies. The coverage’s required by this Subsection 4.21.080 may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(c) Copies Required. The utility shall provide copies of any of the policies required by this Subsection 4.21.080 to the Village within ten (10) days following receipt of a written request therefor from the Village.

(d) Maintenance and Renewal of Required Coverage’s. The insurance policies required by this Subsection 4.21.080 shall contain the following endorsement:

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

Within ten (10) days after receipt by the Village of said notice, and in no event later than ten (10) days prior to say cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this Subsection 4.21.080.

(e) Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection (a) of this Subsection 4.21.080. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the

requirement for the naming of additional insureds under Subsection (a), or the requirements of Subsections (b), (c) and (d) of this Subsection 4.21.080. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection (a) of this Subsection 4.21.080, such as evidence that the utility is a “private self-insurer” under the Workers Compensation Act.

(f) Effect of Insurance and Self-Insurance on Utility’s Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Subsection 4.21.080 shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

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

**4.21.100 SECURITY.**

(a) Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Subsection 4.21.100. The Security Fund shall be continuously maintained in accordance with this Subsection 4.21.100 at the permittee’s sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

1. The faithful performance by the permittee of all the requirements of this Section;
2. Any expenditure, damage, or loss incurred by the Village occasioned by the permittee’s failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Section; and
3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or non-performance by permittee in violation of this Section including, without limitation, any damage to public property or restoration work the permittee is required by this Section to perform that the Village must perform itself or have completed as a consequence solely of the

permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Section or any other applicable law.

(b) Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this Subsection 4.21.100 shall, at a minimum:

1. Provide that it will not be canceled without prior notice to the Village and the permittee;
2. Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
3. Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

(c) Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Village may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection (c) for any single phase. The security fund for each construction project will be \$10 per lineal foot of the project, or the company may post a yearly cash retainer or letter of credit for \$20,000 (replenished yearly), or a bond for an amount determined by the Village, for all construction work to be complete that year.

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

1. Fails to make any payment required to be made by the permittee hereunder;
2. Fails to pay any liens relating to the facilities that are due and unpaid;
3. Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

4. Fails to comply with any provision of this Section that the Village determines can be remedied by an expenditure of an amount in the Security Fund.

(e) Replenishment. Within fourteen (14) days after receipt of written notice from the Village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection (c) of this Subsection 4.21.100.

(f) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection (c) of this Subsection 4.21.100.

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

(h) Rights Not Limited. The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Section or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

#### **4.21.110 PERMIT SUSPENSION AND REVOCATION.**

(a) Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this Section for one or more of the following reasons:

1. Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
2. Non-compliance with this Section;
3. Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the public rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
4. Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(b) Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Section stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Subsection 4.21.110.

(c) Permittee Alternatives upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

1. Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five (5) working days after receipt of the written notice of revocation;
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the public rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten (10) days after receipt of the written notice of revocation. The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection 4.21.110; or
4. If the deficiency is deemed a life/safety hazard the Village may correct the deficiency immediately upon verbal notice by the Village to permittee.

(d) Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection (a) of this Subsection 4.21.110.

(e) Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection (c) of this Subsection 4.21.110, the Village or its designee may, at the option of the Village:

1. Correct the deficiencies;
2. Upon not less than twenty (20) days notice to the permittee, remove the subject facilities or equipment; or
3. After not less than thirty (30) days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

**4.21.120 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.**

(a) Notification of Change. A utility shall notify the Village no less than thirty (30) days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Section, with respect to the work and facilities in the right-of-way.

(b) Amended Permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.

(c) Insurance and Bonding. All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

**4.21.130 GENERAL CONSTRUCTION STANDARDS.**

(a) Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the Village's Design Requirements and in the following IDOT publications:

1. Standard Specifications for Road and Bridge Construction;
2. Supplemental Specifications and Recurring Special Provisions;
3. Highway Design Manual;
4. Highway Standards Manual;
5. Standard Specifications for Traffic Control Items;
6. Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
7. Flagger's Handbook; and
8. Work Site Protection Manual for Daylight Maintenance Operations.

(b) Interpretation of Municipal Standards and Principles. If a discrepancy exists between or among differing principles and standards required by this Section, the Village Engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Village Engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

**4.21.140 TRAFFIC CONTROL.**

(a) Minimum Requirements. The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual of Uniform Traffic Control Devices and this Code.

(b) Warning Signs, Protective Devices, and Flaggers. The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(c) Interference with Traffic. All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(d) Notice When Access is Blocked. At least forty-eight (48) hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to Subsection 4.21.200 of this Section, the utility shall provide such notice as is practicable under the circumstances.

(e) Compliance. The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village.

#### **4.21.150 LOCATION OF FACILITIES.**

(a) Parallel Facilities Located Within Rights-of-Way.

1. Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way only if:
  - (i) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
  - (ii) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;
  - (iii) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;
  - (iv) No pole is located in the ditch line of a highway; and
  - (v) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way or as near as possible to the right-of-way line.

2. Underground Parallel Facilities. An underground parallel facility may be located within the right-of-way only if approved by the Superintendent of Public Works and:

- (i) The facility is located as near the right-of-way line as practicable and not more than eight (8) feet (2.4 m) from and parallel to the right-of-way line, and five (5) feet (1.5 m) from any water main;
- (ii) A new facility may be located under the paved portion of a roadway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
- (iii) In the case of an underground power or communications line, the facility shall be located as approved by the Superintendent of Public Works and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(b) Facilities Crossing Roadways.

- 1. No Future Disruption. The construction and design of crossing facilities installed between the ditch lines or curb lines of Village roadways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadway resulting from the installation of such crossing facilities.
- 2. Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- 3. 90 Degree Crossing Required. Crossing facilities shall cross at or as near to a ninety (90) degree angle to the centerline as practicable, unless otherwise approved by the Village.
- 4. Overhead Power or Communication Facility. An overhead power or communication facility may cross a right-of-way only if:
  - (i) It has a minimum vertical line clearance as required by ILCC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
  - (ii) Poles are located within one foot (0.3 m) of the right-of-way line and outside of the clear zone; and
  - (iii) Overhead crossings at major intersections are avoided.
- 5. Underground Power or Communication Facility. An underground power or communication facility may cross a right-of-way only if:

- (i) The design materials and construction methods will provide maximum maintenance-free service life; and
  - (ii) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- 6. Markers. The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. 192.707 (1989)).
- (c) Freestanding Facilities.
  - 1. The Village may restrict the location and size of any freestanding facility located within a right-of-way.
  - 2. The Village may require any freestanding facility located within a right-of-way to be screened from view.
- (d) Appearance Standards.
  - 1. The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
  - 2. A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.
- (e) Above Ground Installation. Above ground facilities may be installed only if:
  - 1. No other existing facilities in the area are located underground;
  - 2. New underground installation is not technically feasible; and
  - 3. The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.
- (f) Facility Attachments to Bridges or Roadway Structures.
  - 1. Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall

include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

2. A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
  - (i) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
  - (ii) The type, length, value, and relative importance of the roadway structure in the transportation system;
  - (iii) The alternative routings available to the utility and their comparative practicability;
  - (iv) The proposed method of attachment;
  - (v) The ability of the structure to bear the increased load of the proposed facility;
  - (vi) The degree of interference with bridge maintenance and painting;
  - (vii) The effect on the visual quality of the structure; and
  - (viii) The public benefit expected from the utility service as compared to the risk involved.

**4.21.160 CONSTRUCTION METHODS AND MATERIALS.**

(a) Standards and Requirements for Particular Types of Construction Methods.

1. Boring or Jacking.

- (i) Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Engineer and/or Superintendent of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed.

While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

- (ii) Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.
  - (iii) Borings with Diameters Greater Than 6 Inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).
  - (iv) Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by both jacking, guided with auger or auger and following pipe method.
  - (v) Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved shall be bored under or around the root system.
2. Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the Village's Design Requirements and the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."
- (i) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Village Engineer and/or Superintendent of Public Works.
  - (ii) Open Trench and Excavated Material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
  - (iii) The utility shall not trench within the drip line of any tree designated by the Village to be preserved.

3. Backfilling.
  - (i) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with the Village's Design Requirements and with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
  - (ii) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfill area that has settled due to construction of the facility. If so ordered by the Village Engineer and/or Superintendent of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Village Engineer and/or Superintendent of Public Works.
  
4. Pavement Cuts. Pavement cuts for facility installation or repair shall be permitted on a roadway only if that portion of the roadway is closed to traffic. If a variance to the limitation set forth in this paragraph 4 is permitted under Subsection 4.21.210, the following requirements shall apply:
  - (i) Any excavation under pavements shall be backfilled as soon as practicable with granular material of CA-6 or Grade 8 or 9 gradation, as designated by the Village Engineer and/or Superintendent of Public Works.
  - (ii) Restoration of pavement, in kind, shall be accomplished as soon as practicable and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
  - (iii) All saw cuts shall be full depth.
  - (iv) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.
  
5. Encasement.

- (i) Casing pipe shall be designed to withstand the load of the roadway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village. Casing pipes shall be installed where required and approved by the Village Engineer and/or Superintendent of Public Works, in accordance with Subsection 4.21.160(a)(1)(i.-v.)
- (ii) The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the roadway.
- (iii) In the case of gas pipelines of 60 psig and 6” diameter or less, encasement may be eliminated.
- (iv) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminate only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;
- (v) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

6. Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Power or Communication Line (In General)	30 Inches (0.8 m)
Communication Line Installed by the Plowed Method	24 Inches (0.6 m)
Gas or Petroleum Products	30 Inches (0.8 m)
Water Line	72 Inches (1.83 m)
Sanitary Sewer, Storm Sewer, or Drainage Line	As approved by Village Engineer and/or Superintendent of Public Works

(b) Standards and Requirements for Particular Types of Facilities.

1. Electric Power or Communication Lines.

- (i) Code Compliance. Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the

Illinois Commerce Commission) entitled “Rules for Construction of Electric Power and Communications Lines”, and the National Electrical Safety Code.

- (ii) Overhead Facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
  - (iii) Underground Facilities. (1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads. (2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if: (a) the crossing is installed by the use of “moles,” “whip augers”, or other approved method which compress the earth to make the opening for cable installation or (b) the installation is by the open trench method which is only permitted prior to roadway construction. (3) Cable shall be grounded in accordance with the National Electrical Safety Code.
2. Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:
- (i) the use of “moles”, “whip augers”, or other approved methods which compress the earth to move the opening for the pipe;
  - (ii) jacking or boring with encasement provided between the ditch lines or toes of slopes of the roadway;
  - (iii) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction;
  - (iv) tunneling with vented encasement, but only if installation is not possible by other means; or
  - (v) open trench in a manner approved by Village Engineer and/or Superintendent of Public Works.
3. Gas Transmission, Distribution and Service. Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural Gas and Other

Gas by Pipeline: Minimum Federal Safety Standards (49 CFR 192), IDOT's "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.

4. Petroleum Products Pipelines. Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
5. Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the requirements of the Village's Design Requirements and the current "Standard Specifications for Water and Sewer Main Construction in Illinois".
6. Ground Mounted Appurtenances. Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Village Engineer and/or Superintendent of Public Works. With the approval of the Village Engineer and/or Superintendent of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(c) Materials.

1. General Standards. The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the requirements of the Village's Design Requirements, and the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction", the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
2. Material Storage on Right-of-Way. All pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
3. Hazardous Materials. The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(d) Operational Restrictions.

1. Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
2. These restrictions may be waived by the Village Engineer and/or Superintendent of Public Works when emergency work is required to restore vital utility services.
3. Unless otherwise permitted by the Village, the hours of construction are those set forth in Chapter 5 of the Village's Unified Development Ordinance.

(e) Location of Existing Facilities. Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

**4.21.170 VEGETATION CONTROL.**

(a) Tree Trimming Permit Required. Tree trimming shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Section.

1. Application for Tree Trimming Permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
2. Damage to Trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(b) Specimen Trees or Trees of Special Significance. The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(c) Chemical Use. Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Village Engineer and/or Superintendent of Public Works that such spraying is the only practicable method of vegetation control.

**4.21.180 REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES.**

(a) Notice. Within ninety (90) days following written notice from the Village, a utility shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

(b) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the public rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the public rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

1. Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;
3. If the facility was constructed or installed without prior issuance of a required permit in violation of this Section; or
4. If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(c) Emergency Removal or Relocation of Facilities. The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(d) Abandonment of Facilities. Upon abandonment of a facility within the public rights-of-way of the Village, the utility shall notify the Village within ninety (90) days. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Village Engineer and/or Superintendent of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the

Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

**4.21.190 CLEANUP AND RESTORATION.** Upon completion of all construction or maintenance of facilities, the utility shall remove all excess material and restore all turf and terrain in a timely manner and to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Village Engineer and/or Superintendent of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project.

**4.21.200 MAINTENANCE AND EMERGENCY MAINTENANCE.**

(a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.

(b) Emergency Maintenance Procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

1. If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the roadway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
2. In an emergency, the utility shall, as soon as possible, notify the Village Engineer and/or Superintendent of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.
3. In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(c) Emergency Repairs. The utility must file in writing with the Village of a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

**4.21.210 VARIANCES.**

(a) Request for Variance. A utility requesting a variance from one or more of the provisions of this Chapter must do so in writing to the Superintendent of Public Works as a part of the permit application. The request shall identify each provision of this Section from which a variance is requested and the reasons why a variance should be granted.

(b) Authority to Grant Variances. The Village Board shall decide whether a variance is authorized for each provision of this Section identified in the variance request on an individual basis.

(c) Conditions for Granting of Variance. The Village Board may authorize a variance only if the utility requesting the variance has demonstrated that:

1. One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
2. All other designs, methods, materials, locations or facilities that would conform to the provision from which a variance is requested are impracticable in relation to the requested approach.

(d) Additional Conditions for Granting of a Variance. As a condition for authorizing a variance, the Village Board may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Section but which carries out the purposes of this Section.

**4.21.220 PENALTIES.** Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Section shall be subject to fine in accordance with Appendix A of this Code. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Section. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost appointment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

**4.21.230 ENFORCEMENT.** Nothing in this Section shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Section.

**4.21.240 SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**4.22 SMALL CELL ORDINANCE.** *(Ord. 2018-10; Ord. 2024-17)*

(a) Purpose. The purpose of this Section is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

(b) Conflicts with Other Ordinances. This Section supersedes all Sections or parts thereof adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(c) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Section, the wireless provider shall comply with the requirements of this Section to the maximum extent possible without violating federal or State laws or regulations.

(d) Definitions. For purposes of this Section 4.22, the following definitions shall apply:

Act: The Illinois Small Wireless Facilities Deployment Act, 50 ILCS 840/1 *et seq.* as may be subsequently amended.

Antenna: communications equipment that transmits or receives electromagnetic radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission (FCC) authorization, for the provision of personal wireless service and any commingled information services. The antenna does not include an unintentional radiator, mobile station or device.

Applicable Codes: uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant: any person or entity that submits an application and the agents, employees and contractors of such person or entity.

Application: a request submitted by an applicant to the Village for a permit to collocate small wireless facilities at a specified location, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

Collocate or Collocation: to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications Service: cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

Communications Service Provider: a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC: the Federal Communications Commission of the United States.

Fee: a one-time charge.

Historic District or Historic Landmark: a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law: a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro Wireless Facility: a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Municipal Utility Pole: a utility pole owned or operated by the Village in public rights-of-way.

Permit: a written authorization required by the Village to perform an action or initiate, continue, or complete a project.

Person: an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public Safety Agency: the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate: a recurring charge.

Right-of-Way: the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.

Small Wireless Facility: a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility Pole: a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless Facility: equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless Infrastructure Provider: any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

Wireless Provider: a wireless infrastructure provider or a wireless services provider.

Wireless Services: any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless Services Provider: a person who provides wireless services.

Wireless Support Structure: a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

(e) Regulation of Small Wireless Facilities.

1. Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provide in paragraph 9 regarding Height Exceptions or Vacancies, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.
2. Permit Required. An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:
  - (i) Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

- A. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
  - B. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
  - C. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
  - D. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
  - E. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
  - F. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
  - G. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.
  - H. Certification by a radio engineer that a new, replacement or modified small wireless facility operates within all applicable FCC standards.
- (ii) Application Process. The Village shall process applications as follows:
- A. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

- B. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis after the submission of a completed application.

FCC regulation provides that an application to collocate a small wireless facility using an existing structure shall be granted or denied within 60 days of submission of a completed application. Delays beyond that time limit are available only in exceptional circumstances or with the consent of the applicant.

- C. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis after the submission of a completed application.

FCC regulation provides that an application to collocate a small wireless facility using a new structure shall be granted or denied within 90 days of submission of a completed application. Delays beyond that time limit are available only in exceptional circumstances or with the consent of the applicant.

- D. The Village shall deny an application which does not meet the requirements of this Section.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within 30 days after the applicant resubmits the

application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the application to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

(iii) Pole Attachment Agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement. The Superintendent of Public Works, or his or her designee, is authorized to execute the Pole Attachment Agreement on behalf of the Village following review and approval by the Village Attorney of any revisions.

(iv) Completeness of Application. Within 10 days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 10 days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village. FCC regulation allows 10 days for determination of completion, and that 10-day time frame replaces the 30-day period provide in the state Act.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

(v) Tolling. The time period for applications may be further tolled by:

- A. An express written agreement by both the applicant and the Village; or
- B. A local, State or federal disaster declaration or similar emergency that causes the delay.

(vi) Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

(vii) Duration of Permits. The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Section.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

(viii) Means of Submitting Applications. Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

(f) Collocation Requirements and Conditions.

1. Public Safety Space Reservation. The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.
2. Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition

and good repair and in compliance with the requirements and conditions of this Section. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

3. No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. The wireless provider shall comply with all applicable codes, including acoustic regulations, and local code provisions or regulations that concern public safety.
6. The wireless provider shall comply with the following design standards and any variations from these design standards may only be granted pursuant to the variance provisions of this Chapter at Section 4.21.210:
  - (i) Screening. Whenever any equipment or appurtenances are to be installed at grade, screening must be installed to minimize the visibility of the facility and shall not be permitted to obstruct sight lines or to create other traffic or safety problems.
  - (ii) Color and Stealth. All wireless facilities subject to this Section, including all related equipment and appurtenances, must be a color that blends with the surroundings of the pole, structure tower or infrastructure on which it is mounted. The color must be comprised of nonreflective materials which blend with the materials and colors of the surrounding area and structures. The Applicant shall use good faith efforts to employ reasonable stealth techniques to conceal the appearance of the wireless facilities. Any pole extensions shall not be metallic or wood and shall blend with the color of the pole upon which they are mounted.
  - (iii) Wiring and Cabling. Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the National Electrical Code and National Electrical Safety Code adopted by the Village and in force at the time of the installation of the facility. Any wiring must be covered with an appropriate cover. No wiring and cabling serving the facility will be allowed to interfere with any existing uses.
7. Alternate Placements. Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 200 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property

rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

8. Height Limitations. The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

- (i) 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
  - (ii) 50 feet above ground level. The 50-foot limit provided by FCC regulation replaces the limit of 45 feet under the Act.
9. Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in the manner provided in this Chapter at Subsection 4.21.210.
10. Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
11. Ground-mounted Equipment Spacing. Subject to the variance provisions of this Chapter at Subsection 4.21.210 and state law, the wireless provider shall comply with applicable spacing requirements of this Section concerning the location of ground-mounted equipment located in the right-of-way.
12. Undergrounding Regulations. Subject to the variance provisions of this Chapter at Subsection 4.21.210 and state law, the wireless provider shall comply with the provisions of this Section concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval.
13. Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Village and the wireless provider agree to extend this period

or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

(g) Application Fees. Application fees are imposed as follows:

1. Applicant shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures. The fees established by this ordinance are equal to the limit imposed by the Act and represent a reasonable approximation of the Village's objectively reasonable costs. The Village shall regularly review the fees imposed and may adjust the fees by further amendment to this Section.
2. Applicant shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
4. The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
  - (i) Routine maintenance;
  - (ii) The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least 10 days prior to the planned replacement and includes equipment specifications and certifications consistent with the Section titled Application Requirements; or
  - (iii) The installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
5. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(h) Exceptions to Applicability. Nothing in this Section authorizes a person to collocate small wireless facilities on:

1. Property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately-owned utility pole or wireless support structure without the consent of the property owner;
2. Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or
3. Property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Illinois Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Section do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Illinois Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Illinois Public Utilities Act. Nothing in this Section shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Section.

(i) Pre-Existing Agreements. Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Section.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Section for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this paragraph.

(j) Annual Recurring Rate. A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) \$270 per year (which amount may be increased by the Village President in the future to the maximum amount authorized by the Federal Communications Commission in any future ruling, order or guidance authorizing such fee and recurring rates) or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be \$270 (or any amount appropriately increased by the Village President pursuant to this Section) payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

(k) Abandonment. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

(l) Dispute Resolution. The Circuit Court of McHenry County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

(m) Indemnification. A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Section and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

(n) Insurance. The wireless provider shall carry, at the wireless provider's own cost and expense such insurance as is required by this Chapter at Subsection 4.21.080.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

**4.23 PENALTIES.** Unless otherwise provided, any person, firm or corporation violating any provision of this Chapter shall be punished by a fine pursuant to Appendix A of this Code for each such violation.

**CHAPTER 5  
WATERWORKS AND SEWAGE SYSTEM**

- 5.01 Combined Waterworks and Sewage System
- 5.02 Combined Water and Sewer Rates Established
- 5.03 Water and Sewer Rates *(Ord. 2017-13, 2018-01, 2019-16; 2020-12; 2021-03; 2023-04; 2023-09; 2025-04)*
- 5.04 Water and Sewerage Service Bills *(Ord. 2020-03)*
- 5.05 Nonpayment of Bills; Lien *(Ord. 2020-03)*
- 5.06 Revision of Rates
- 5.07 Disposition of Revenues
- 5.08 Water Mains, Specifications
- 5.09 Water Service Lines
- 5.10 Sewers, Specifications
- 5.11 Resale of Water
- 5.12 Tampering with the System
- 5.13 Repairs
- 5.14 Non-Liability of Village
- 5.15 Connection and Extension Regulations *(Ord. 2019-02)*
- 5.16 Connection Fees *(Ord. 2019-02)*
- 5.17 Sewer Connection Limitations *(Repealed)*
- 5.18 Meters *(Ord. 2020-20)*
- 5.19 Wasted Water
- 5.20 Estimates of Water Consumption
- 5.21 Repairs of Meters
- 5.22 Tampering with Meter *(Ord. 2018-26)*
- 5.23 Reading Meters
- 5.24 Right of Access to Premises *(Ord. 2020-14)*
- 5.25 Construction Contractors *(Ord. 2018-26; 2020-14)*

**5.01 COMBINED WATERWORKS AND SEWAGE SYSTEM.**

(a) Findings.

1. The Village of Richmond, McHenry County, Illinois, now owns and operates a waterworks supply and distribution system of the following general description:

All those waterworks supply and distribution systems and facilities situated within the corporate limits of the Village of Richmond, and has good and merchantable title to all property, real, personal and mixed, comprising the waterworks supply and distribution system.

2. The village now owns and operates a sanitary sewerage system of the following general description:

All those sanitary sewerage system facilities, sewers, buildings and equipment situated within the corporate limits of the Village of Richmond, and have good and merchantable title to all property, real, personal and mixed, comprising said sanitary sewerage system.

3. It is deemed advisable, necessary and for the best interests of this village that the waterworks supply and distribution system and the sanitary sewerage system be combined into a single utility, pursuant to the provisions of Division 139 of Article 11 of the Illinois Municipal Code.
4. It is hereby found, determined and declared necessary for the best interest of this village that the existing waterworks supply and distribution system of the village and the existing sanitary sewerage system as hereinabove in the preambles of this section more fully described be combined into a single utility to be known and designated as the combined waterworks and sewerage system of the Village of Richmond.

(b) Property. All property, real, personal and mixed, comprising the now existing waterworks supply and distribution system and sanitary sewerage system as hereinabove in the preamble of this section more fully described, be, and the same is, hereby found, determined and declared to constitute the properties of the combined waterworks and sewerage system of the village.

(c) Combined System. The existing waterworks supply and distribution system and the existing sanitary sewerage system shall hereafter be owned and operated by this village as a combined utility, known as the combined waterworks and sewerage system of the village, and all improvements and extensions to said waterworks and sewerage system, either or both, shall be considered as improvements and extensions to said combined utility; and all the properties, assets, obligations and liabilities of all kinds of the waterworks supply and distribution system and of the existing sanitary sewerage system, existing, outstanding and accruing or to accrue, shall be held, used, confessed and acknowledged as the properties, assets, obligations and liabilities of the combined utility.

## **5.02 COMBINED WATER AND SEWER RATES ESTABLISHED.**

(a) Findings.

1. There was duly passed and approved at a regular meeting of the Board of Trustees of the Village of Richmond, held July 6, 1971, Ordinance No. 1971-10 entitled "An Ordinance Providing for the Combination of the Existing Waterworks System and the Existing Sanitary Sewerage System of the Village of Richmond, McHenry County, Illinois, into a Combined Waterworks and Sewerage System," the provisions of which are set forth in Section 5.01 of this chapter.
2. The village now owns and operates the combined waterworks and sewerage system (hereinafter referred to as "the system") in accordance with the provisions of Division 139, Article 16 of Chapter 24, of the Illinois Municipal Code.
3. Prior to the original passage of the provisions contained in this chapter compensation for the sewerage part of the system was charged and rates established therefor under one ordinance, and for the use of the water part of said system under another ordinance.
4. It is necessary to combine such charges and rates, and to charge a reasonable compensation for the use and service of the system and establish rates for that purpose so as to provide sufficient revenue at all times to (1) pay the

cost of operation and maintenance of the system, (2) provide an adequate depreciation fund, and (3) pay the principal of and interest upon all revenues bonds issued by virtue of said Division 139. Therefore the following provisions of this chapter are adopted.

**5.03 WATER AND SEWER RATES.**

(a) Water Service. Each non-residential dwelling building or parcel of unimproved real estate upon which there is one or more water faucets or pumps and each residential dwelling unit that uses or is connected to the water part of the system is hereby deemed to be a user for purposes of computing rates and charges for the use of the water part of the system. The rates for use and service of the water part of the system are as follows:

1. For the first 4,000 gallons or less \$ 17.50 quarterly  
*(Ord. 2016-16; 2018-01; 2021-03)*
2. Over 4,000 gallons, cost per 1,000 gallons \$ 2.00 quarterly  
*(Ord. 2016-16; 2018-01; 2021-03; 2023-09; 2025-04)*
3. **\*\*For each additional user of water attached to a metered unit the rate shall be as follows:  
N-1 x \$31.50 per quarter, plus rate for metered gallonage, where N=the total number of users attached to a meter. Rate shall not be subject to annual adjustment based on the Consumer Price Index**  
*(Ord. 2003-21; 2011-02; 2017-13)*

Effective 5/1/2020 the additional user of water unit rate will be increased to \$34.62 per quarter. *(Ord. 2020-12)*

4. For each turning off and on of the water supply to such user \$ 65.00  
*(Ord. 2012-14; 2019-16)*
5. Any user of the Village of Richmond water system not located within the corporate boundaries of the village shall pay an amount equal to two hundred percent (200%) of the current rate in addition to the current rate for all water used. *(Ord. 2002-7)*

(b) Turning on Water. No water supply may be turned on except under the supervision of the Village Building Inspector, and anyone who turns on the water supply without such supervision is guilty of a misdemeanor and shall be subject to the penalty provided for violation of this code.

(c) Sewer Service. Each dwelling unit and each business, industrial, church, educational or other building using the sewerage part of the system is hereby deemed to be a user for purposes of computing rates and charges for the use of the sewerage part of the system. The quarterly rates for use and service of the sewerage part of the system are as follows: *(Ord. 2012-14)*

1. For each domestic metered user who discharges domestic waste the rate shall be \$9.40088 per 1,000 gallons, after a minimum billing of 5,000 gallons or \$76.84 through 4/30/19 *(Ord. 2016-16; 2018-01)*

Effective 5/1/2019 each domestic metered user who discharges domestic waste the rate shall be \$9.40088 per 1,000 gallons, after a minimum billing of 4,000 gallons at \$81.12. *(Ord. 2018-01)*

Effective 5/1/2020 each domestic metered user who discharges domestic waste the rate shall be \$10.00 per 1,000 gallons, after a minimum billing of 4,000 gallons at \$81.12. *(Ord. 2018-01)*

2. For each industrial user who discharges industrial wastes the rate shall be as follows:

$$\begin{aligned} \text{Rate} &= \$2.52 (V) + \$0.00170648 (XBOD-200) (V) \\ &+ \$0.000684648 (XSS-260) (V) \\ &+ \$0.00984824 (XP-9) (V) \\ &+ \$15.42 (NS) \end{aligned}$$

where

V = Metered water usage in thousand of gallons.

XBOD = Concentration in mg/l of BOD in industrial discharge, which must be greater than 200 or no charge for BOD is made.

XSS = Concentration in mg/l of suspended solids in industrial discharge, which must be greater than 260 or no charge for suspended solids is made.

XP = Concentration of mg/l of phosphorous as phosphorous in industrial discharge, which must be greater than 9 or no charge for phosphorous is made.

NS = Number of samples collected for analysis from industrial discharger during billing period. The \$35 charge per sample is to defray the cost of collection and analysis.

3. If any user of the sewerage part of the system has a well and does not use the water part of the system, the village, at its option, may require the owner to furnish and install an approved water meter at the well pump discharge to monitor the water usage for sewer charges under paragraphs 1 and 2 above or it may charge the following rates:

- (i) For each dwelling unit will be billed \$108.20 per quarter through 4/30/2020. *(Ord. 2015-01; 2018-01)*

Effective 5/1/2020 each dwelling unit will be billed \$115.10 per quarter. *(Ord. 2018-01)*

- (ii) For each business, church, educational or other building will be billed \$108.20 per quarter through 4/30/2020. *(Ord. 2015-01, 2018-01)*

Effective 5/1/2020 each business, church, educational or other building will be billed \$115.10 per quarter. *(Ord. 2018-01)*

- (iii) For each industrial user who has only sanitary convenience waste will be billed \$3.99 per employee per quarter or \$108.20, whichever is greater through 4/30/2020. *(Ord. 2015-01, 2018-01)*

Effective 5/1/2020 each industrial user who has only sanitary convenience waste will be billed \$3.99 per employee per quarter or \$115.10, whichever is greater. (Ord. 2018-01)

- (iv) For each industrial user who has industrial wastes, the installation of an approved water meter will be required at the expense of the industry and the rates shall be as outlined in paragraph 2 above.
4. Industrial Cost Recovery Program. Each industrial user who discharges into the Village Sewage Treatment Plant shall be required to participate in the Industrial Cost Recovery Program.

An industrial user shall be defined in accordance with the Federal Register, Volume 38, No. 161, August 21, 1973, Paragraph 35.905-19, as follows:

"Any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972 Office of Management and Budget, as amended and supplemented, under the following divisions:

- (i) Division A - Agriculture, Forestry and Fishing
- (ii) Division B - Mining
- (iii) Division C - Manufacturing
- (iv) Division D - Transportation, Communications, Electric, Gas and Sanitary Services
- (v) Division E - Services

A user in the Divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences."

Those industries which are included in any of the above Divisions and which discharge any process wastes shall be classified as industrial users for cost recovery purposes. Process wastes shall be any discharge to the sewer system resulting from other than segregated domestic wastes or wastes from sanitary conveniences.

In addition, any other industry which discharges to the sewer any wastes in excess of any of the following limits shall be classified as an industrial user for cost recovery purposes, to-wit:

- (i) 20 gallons per employee per day.
- (ii) An average BOD strength in excess of 200 mg/l.
- (iii) An average suspended solids strength in excess of 260 mg/l.
- (iv) An average phosphorous concentration as phosphorous in excess of 9 mg/l.

5. Industrial Cost Recovery Charges. Each industry required to participate in the Industrial Cost Recovery Program will be sampled monthly for BOD, suspended solids (S.S.) and phosphorous (P) and the results of these monthly samples will be averaged quarterly.

The quarterly average concentrations will be used to ascertain the population equivalent (P.E.) of their load on the plant as follows:

- (i) Hydraulic P.E. = 0.1111 (V)
- (ii) BOD P.E. = 0.0005444 (V) (BOD conc. in mg/l)
- (iii) S.S. P.E. = 0.0004207 (V) (S.S. conc. in mg/l)
- (iv) P. P.E. = 0.01234 (V) (P conc. in mg/l)

Where V = Volume of water used in 1,000's of gallons.

The larger of the above P.E.'s will be used and is designated as the "P.E. of the discharge".

The quarterly charge per P.E. will be that ratio which the total and final amount from United States Environmental Protection Agency Grant No. C170660 bears to 372,000, that is:

$$\text{Quarterly Charge per P.E.} = \frac{\text{Total Final Grant Amount}}{372,000}$$

The quarterly billing for industrial cost recovery will then be an amount equal to the quarterly charge per P.E. times the P.E. of the discharge, that is:

$$\text{Quarterly Bill} = (\text{Quarterly charge per P.E.}) \times (\text{P.E. of the discharge})$$

6. Any user of the Village of Richmond sewer system not located within the corporate boundaries of the village shall pay an amount equal to two hundred percent (200%) of the current rate in addition to the current rate for all sewer services used. (Ord. 2002-7)

7. \*\*For each additional user of sewer attached to a metered unit the rate shall be as follows: N-1 x \$36.75 billed per quarter, plus rate for metered gallonage, where N=the total number of users attached to a meter Rate shall not be subject to annual adjustment based on the Consumer Price Index. (Ord. 2003-21; 2011-02; 2017-13)

Effective 5/1/2020 the additional user of sewer unit rate will be increased to \$40.38 per quarter. (Ord. 2020-12)

**\*\*For purposes of this section, the term, "each additional user of water and sewer attached to a metered unit" shall be defined as the following: A dwelling unit or commercial space that is separate and distinct from the metered unit. The dwelling unit or commercial space shall contain**

*features that enable it to support a separate use or tenant including independent ingress/egress to the unit and plumbing fixture. When both units are owner occupied it shall be considered one user. (Ord. 2010-01; 2023-04)*

8. There shall be and hereby established a debt service surcharge of \$39.00 per quarter applied and charged to each user of the wastewater facility. In addition, the Village shall annually review said charge and consider further adjustment of the surcharge as needed by the respective budget. *(Ord. 2017-13; 2018-01; 2020-12; 2021-03)*

**5.04 WATER AND SEWERAGE SERVICE BILLS.** The Village Clerk or Collector or their designee shall render bills for system charges quarterly on the first day of February, May, August and November of each year. All bills are due and payable on or before 21 days after billing, and if not then paid, there shall be added to the net bill a collection charge of 10%. All bills shall be designated as "Village of Richmond Combined Water and Sewage Service System Quarterly Bill", and there shall be shown on such information, including actual or estimated gallonage charges for each service so as to reasonably apprise the user. The owner(s) and occupant(s) using the premises served by the village system, shall be jointly and severally liable to the village for all system charges to the premises. Estimated bills shall be rendered based on the average gallonage used for such property for the previous 4 billing periods or, in the event no actual meter readings are available for the property being serviced, the average of any previous meter readings. *(Ord. 2003-21; 2020-03)*

In the event that any property being serviced is sold, it shall be the responsibility of the new owner to request that the Village take an actual meter reading for the property at closing or as soon thereafter as practicable, for the purpose of assessing the liability of the prior owner(s) and the new owner(s). Such request shall be made in writing to the Village Clerk, no later than 3 days prior to the time requested for such meter reading, excluding Saturdays and Sundays. The Village Clerk or Collector or their designee, shall thereafter render bills to the new and prior owner(s) of the property being serviced, with the liability for the service being divided, pro rata, as of the date of the meter reading so requested. In the event that a new owner(s) fails to request an actual meter reading as per the above, the new owner(s) and the prior owner(s) shall be jointly and severally liable for all system charges incurred from the date of the last actual meter reading prior to the sale of the property to the next actual meter reading following the sale of the property. *(Ord. 2020-03)*

**5.05 NONPAYMENT OF BILLS; LIEN.**

(a) Shutting Off Water Supply. The water supply may be shut off to any premises or building of any user thereof for which the system bill or part thereof remains unpaid for 30 days after the bill is transmitted by the U.S. Mail or electronically transmitted to the user for payment thereof. When shut off, the supply shall not be turned back on except upon payment of the bill, payment of the fee for turning on the water, conformity with all other applicable provisions of this chapter, and payment of all expenses and costs incurred in shutting off the water. Prior to shutting off the water, the village shall cause a notice to be sent to the user and owner(s) at the address of the premises being serviced. Said notice shall be sent by First Class US Mail and a proof of service shall be filed in the office of the Village Clerk. A copy of the notice shall also be personally served upon any occupant(s) of the premises over the age of 12 years or by posting a copy of the notice on the premises. *(Ord. 2004-17; 2020-03)*

(b) Lien. The village shall have a continuing lien upon the real estate which is served by either part or both parts of the system for all service rates, charges or benefits accruing by reason of the provisions of this Chapter. Every such lien shall, upon compliance with the conditions

hereinafter set forth, be prior and superior to the rights and interest of creditors, encumbrances, purchasers or other parties in interest in the premises.

(c) Filing Lien. Such lien may be preserved and enforced in the following manner: The Village Clerk shall, within one year after the accrual of such rates, charges or benefits, file with the Recorder of Deeds of McHenry County a claim for lien, verified by the affidavit of the officer or other officer of the village having knowledge of the facts. The affidavit shall consist of a brief statement of the facts of the claim, the balance due after allowing all credits, and a sufficiently correct description to reasonably identify the premises. No such lien shall be defeated or invalid because such system service was used or contracted for by a tenant or occupant of the premises other than the owner thereof.

(d) Foreclosure of Lien. If payment shall not be made for system service rates, charges or benefits when due, the village may file a petition or a bill in the Circuit Court of the 19th Judicial Circuit of McHenry County for foreclosure of such lien, or, upon becoming a defendant in any pending suit affecting the same lands or property, by answer to the bill or petition in the nature of an intervening petition, or by a cross bill, and the village may proceed in its corporate name to foreclose such lien in like manner and with like effect as provided by law for foreclosure of mortgages. Suit shall be commenced, or answer or cross bill filed, within two years after the accrual of such system, service rates, charges or benefits.

(e) Other Remedies. The remedy provided in this section shall not abridge or interfere with the right and power of the village to enforce the collection of any amounts due to it by an action at law or otherwise.

**5.06 REVISION OF RATES.** The sewerage service rates or the water service rates, or both, shall be revised from time to time by the Board of Trustees to provide adequate revenue at all times to pay the cost of operating and maintaining the system, providing adequate revenues in the Depreciation Fund, and pay the principal and interest of all revenue bonds issued under the provisions of the Illinois Municipal Code. (*Ord. 2012-14*)

**5.07 DISPOSITION OF REVENUES.**

(a) Special Fund. All revenues derived from the operation of the system, except revenue collected from the industrial cost recovery system as provided for in Sections 5.03(c)5 and 6 shall be set aside as collected, and deposited in a special fund of the village. The revenue shall be used only for the purpose of paying the cost of operating and maintaining the system, in an on-line, on going manner and capacity, providing an adequate depreciation fund, and paying the principal and interest on any bonds issued by the village under the provision of the law, except that any surplus remaining after meeting said purposes may be used for any other lawful corporate purpose.

(b) Industrial Cost Recovery Revenue. The revenue collected from the industrial cost recovery system shall be retained in a separate account and dispersed in compliance with the provisions of the Federal Register, Vol. 38, No. 161, August 21, 1973, paragraph 35.928-7, as amended from time to time.

(c) Depreciation Fund. The depreciation fund shall be divided into the following accounts, to-wit: The Sewage Treatment Plant Real Property Depreciation Account; the Sewage Treatment Plant Equipment Replacement Account; the Water Treatment Plant Real Property Depreciation Account; and the Water Treatment Plant Equipment Replacement Account. The fund shall be used for such replacements as may be necessary from time to time for the continued effective and efficient operation of the system, but it shall not be allowed to accumulate beyond a reasonable

amount necessary for the purpose and shall not be used for extensions to the system. There shall be allocated and appropriated, from time to time by the Village Board of Trustees, such portions of the revenue derived from the operation and use of the system (except as otherwise provided in subsection (b) hereof) for each such account, to be used as to each such account as follows:

1. The Sewage Treatment Plant Real Property Depreciation Account shall be used for replacement of the improvements on the Sewage Treatment Plant real estate;
2. The Sewage Treatment Plant Equipment Replacement Account shall be used for replacement of equipment used in the sewage treatment part of the system;
3. The Water Treatment Plant Real Property Depreciation Account shall be used for replacement of the improvements on the Water Treatment Plant real estate;
4. The Water Treatment Plant Equipment Replacement Account shall be used for replacement of equipment used in the water treatment part of the system.

(d) Bond Ordinances, Accounting Under.

1. So long as any bonds authorized by any ordinance of the village are outstanding and unpaid, all revenues derived from the operation of the system shall also be accounted for and credited to such funds as may be established by such ordinance.
2. So long as bonds authorized under Ordinance No. 1971-8, entitled "An Ordinance Authorizing the Issue of \$80,000 Waterworks and Sewerage Revenue Bonds of the Village of Richmond, McHenry County, Illinois, Providing for the Sale, Payment and Delivery Thereof, and Making Certain Covenants in that Connection," are outstanding and unpaid, Section 5 of that ordinance and any other applicable sections or parts thereof is incorporated herein by reference and made a part hereof the same as if fully set forth herein, and shall be of co-equal applicability with any sections or parts of this chapter.

**5.08 WATER MAINS, SPECIFICATIONS.**

(a) Water mains lay in any street or alley shall be constructed of cast iron of a minimum internal diameter of 6 inches, except that a cast iron main of 4 inches diameter may be laid between two existing 4 inch mains for a distance of not more than 500 feet between points of connection.

(b) A water main installed between two existing mains, either of which is greater than 4 inches in diameter, shall be not less than 6 inches in diameter.

(c) Water mains shall comply with the requirements of the American Insurance Association specifications and water mains furnished by manufacturers to be installed in the village shall be guaranteed by such manufacturers.

(d) The extension or installation of any water main in the village shall be preceded by the preparation, submission and approval of plans and specifications as required by statute. Such plans

and specifications may be prepared by the village or by any person or firm qualifying under the statute.

(e) All water main extensions shall be installed across the entire width of the lot or lots to be served.

(f) The cost of plans, specifications and construction of water mains specified in this section shall be borne by the property owners or other person causing the installation to be made.

#### **5.09 WATER SERVICE LINES.**

(a) Service lines are those pipes carrying water from the water main to the premises. Service lines shall be installed by and at the cost of the owner of the property involved or the applicant for the service. Such installation shall be under the supervision of the Superintendent of Public Works.

(b) No service line shall be installed unless it conforms to specifications drawn up by the Village Engineer, a copy of which specifications shall be kept on file by the Village Clerk and shall be open to inspection by any person interested therein.

(c) Shutoff boxes or service boxes shall be placed on every service line and shall be located between the curb line the sidewalk line where this is practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

#### **5.10 SEWERS, SPECIFICATIONS.**

(a) Sewer mains laid or extended in any street, alley or utility easement and sewer service lines (which are those sewer pipes carrying sewage from the premises to be served to the sewer main) shall be constructed of such materials and be of a minimum internal diameter as shall comply with all rules and regulations of the Environmental Protection Agency, the American Insurance Association and shall be guaranteed by the manufacturers.

(b) The extension or installation of a sewer main or the connection of a sewer service line to any sewer main in the village shall be preceded by the preparation, submission and approval of plans and specifications as may be required by statute, the Environmental Protection Agency or this village. Such plans and specifications may be presented by the village or by any person or firm qualifying under the statute.

(c) All sewer line extensions shall be installed across the entire width or length of the lot or lots to be served, as the case may be.

(d) The cost of plans, specifications and construction of the sewer line shall be borne by the property owner or other person causing the installation to be made.

**5.11 RESALE OF WATER.** No water shall be resold or distributed by the recipient to any premises other than that for which application has been made and the meter installed, except in the case of an emergency.

**5.12 TAMPERING WITH THE SYSTEM.** No person not authorized by the Board of Trustees shall tamper with, alter or injure any part of the system, or with any meter.

**5.13 REPAIRS.** Repairs to broken water service lines between and including the watermain and service shutoff shall be the responsibility of the Village. Repairs to broken sewer service lines from the building to the main shall be the responsibility of the owner. Repairs to the plumbing systems shall be made by and at the expense of the owner(s) of the premises served, except that meters shall be repaired only by the Village. Any damage done to the village water mains or sewer lines while tapping or connecting shall be repaired by the property owner(s). The village may, in case of emergency, repair any service pipe and recover the cost from the owner(s) of the premises served, and if the owner fails or refuses to pay within sixty (60) days of being billed therefore, the water supply may be shut off until the bill is paid, and the Village shall have a lien for the recovery thereof under the terms and provisions of Section 5.05 of this chapter. *(Ord. 2003-5)*

**5.14 NON-LIABILITY OF VILLAGE.** The village shall not be liable for any damage caused by a leak or break in any water or sewer service line or for damage caused by the repair or installation of such lines when such work is not done by the village, nor shall the village be liable for any damage caused by a failure to repair any leak or break in any service line.

**5.15 CONNECTION AND EXTENSION REGULATIONS.**

(a) Requirements. It shall be unlawful for any person who is not so authorized by the village to uncover, make any connections with or openings into, use, alter, repair, place, extend or disturb any public sewer, water main or appurtenance thereof until the requirements set forth in this section are met and the fees in Section 5.16 are paid. *(Ord. 2019-02)*

(b) Permit. Application shall be made by the owner of the real estate involved, or the owner's duly authorized agent, for a permit, such application to be made with the Village Clerk, and such permit to be issued by the Superintendent of Public Works. Such application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Superintendent, and by a true and correct copy of the proper approval or certification thereof by the State of Illinois, Department of Public Health, Environmental Protection Agency or such other proper agency of the state if such approval or certification is so required by state law.

(c) Notice of Connection. No less than 24 hours prior to the connection, extension, alteration, repair, placement or disturbance, as the case may be, notice, either in writing or verbal, shall be given of such connection, extension, alteration, repair, placement or disturbance, as the case may be, to the Superintendent of Public Works.

(d) Supervision by Village. The extension, connection, alteration, repair, placement or disturbance shall be made under the supervision, at the site thereof, of the Superintendent of Public Works, or his duly authorized agent, and is covered only after it has been inspected by the Superintendent or his duly authorized agent.

(e) Plumbing Regulations, Conformity. All plumbing facilities and fixtures used in the premises, all connecting pipes to the premises from the water main or public sewer, and, in the event of water mains or sewers that are constructed or extended after 1971, all such water mains and sewers must comply with all applicable village, state and other governmental rules, regulations, ordinances and laws.

(f) Payment of Obligations to Village. Payment, or evidence of payment, shall be made of any liens, encumbrances or delinquent special assessments impressed or levied against the real estate involved for the cost of water mains or sewers, as the case may be, serving the property.

(g) Dismantling Private Disposal Systems. Before any connection to the public sewer from premises served by a private disposal system shall be made operable, such private sewage disposal system shall be rendered inoperable by the removal of any septic tank from the premises, or by the removal of all wastes in the septic tank and subsequent filling of the septic tank with sand. Until such private sewage disposal system is so rendered inoperable the premises may not be served by the connection to the public sewer.

(h) Connection to Municipal Water System. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village of Richmond and abutting on any street, alley, or right-of-way on which there is now located or may in the future be located municipal water lines is hereby required at his expense to connect to such facility in accordance with the provisions of this Chapter, within 90 days of official notice to do so, provided that said municipal water is within 200 feet of the closest property line.

**5.16 CONNECTION FEES.** The fees set forth below are charged for connecting to the combined waterworks and sewage system of the Village. These fees are adjusted based on the cost and increase in the Consumer Price Index for 2013. *(Ord. 2006-14, 2019-02)*

(a) Waterworks Connection Fees: The following connection fees shall be paid at the time a building permit is issued:

<u>Water Service Size</u>	<u>Connection Fee</u>
1 inch	\$ 5,953.34
1 1/2 inch	6,754.97
2 inch	9,926.15
Over 2 inch	Determined by the Village Engineer considering projected average water usage rates.

(b) Waterworks Permit Fee: \$29.47 per connection.

(c) Meters: See section 5.18 (c) below

(d) Sanitary Sewer Connection Fees: The following connection fees shall be paid at the time a building permit is issued:

1. Residential: \$1,768.31 plus \$1,450.02 per population equivalent and in accordance with the following schedule of assigned capacity factors:

Single family residences:

1 bedroom	2.0 P.E.
2 bedroom	3.0 P.E.
3 bedroom	3.5 P.E.
4 or more bedrooms	4.0 P.E. plus 1 P.E. per bedroom in excess of 4

Multi-family residential unit:

1 bedroom	2.0 P.E.
2 bedroom	2.5 P.E.
3 bedroom	3.0 P.E.
4 bedroom or more	4.0 P.E. plus 1.0 P.E. per bedroom in excess of 4

2. Commercial: \$2,947.21 plus \$1,450.02 per population equivalent applied as scheduled in Appendix I or as certified by the Village Engineer for unscheduled uses.

**5.17 SEWER CONNECTION LIMITATIONS.** *(Repealed, Ord. 2006-14)*

**5.18 METERS.**

(a) Required. All premises using water from the village water supply shall be equipped with an adequate water meter, furnished by the village. Water service may be supplied at a flat rate of charge until such meter is installed.

(b) Outside Meters. Every single family and duplex dwelling hereafter connected to the water system shall be equipped with a device so as to permit the direct reading of the meter outside the house. Such devices shall be installed under the supervision of the Superintendent of Public Works.

1. Water meters must be in an accessible area for inspection and servicing and installed in a horizontal position.
2. There may be no more than four (4) feet of exposed copper before the water meter.
3. Each new building must have a one half (1/2) inch conduit installed for the outside reader wire. The conduit must be run from within six (6) inches of the meter to a front corner of the building. It must be within three (3) feet of the front of the building and exit the siding at eye level (approximately four feet above ground). It must be flush with the siding. A pull wire should be installed to aid the Public Works department in installation of the outside reader.
4. The meter must be installed before any landscaping. Water used for landscaping is not considered “construction water”. *(Ord. 1998-18)*

(c) Installation; Fee. Meters shall be installed by, or under the supervision of the Department of Public Works. The applicant shall pay the Village for furnishing and installing of the water meter. The fee for furnishing water meters is subject to current manufacturer’ list price, plus a ten percent (10%) administrative fee. Installation fee is as follows: *(Ord. 2003-12; 2020-20)*

Meter Size	Installation
5/8 inch	\$80.00
1 inch	\$100.00
1 – ½ inch	\$140.00
2 inch	\$180.00

If there is one service to a multiple unit building, \$100.00 shall be added to the installation charge for each unit.

(d) Meter Wear. The user shall bear all risk of failure of the meter due to any cause other than a cause by the village.

(e) Testing Meters. All meters in service shall be sealed and shall be tested for accuracy by the Superintendent of Public Works at such times as he may direct. The test so made shall be at the expense of the village. The village will test the accuracy of any water meter on request of the consumer, who shall pay the actual cost of such test in case the meter shall be

found inaccurate or registering slow. In the event the meter shall be found registering fast, the village will bear expense of the test. Water meters testing not more than two percent fast or slow shall be considered accurate.

(f) Location of Meters. Water meters may be located inside or outside of buildings in position, approved by the Superintendent of Public Works, with easy access for reading, inspecting repairing or removing. Any meter placed inside a building shall be set as near as practicable to the wall where the service pipe enters the building and shall be kept above the basement or cellar floor. The meter shall not be set in toilet or storage rooms or in positions where it may become inaccessible. Meters shall be protected against hot water, freezing or other injuries.

(g) Setting of Meters. Water meters must be set level and made firm by resting on proper supports. Square faced unions must be used in connecting the meters so that it can be readily removed by the Superintendent of Public Works in case of necessity for testing or otherwise. Provision shall be made for easily restoring the water supply in the event the meter must be removed. A stop of waste shall be placed on both the inlet and outlet end of the meter.

Before a water meter is set the pipes shall be thoroughly flushed. Red or white lead shall not be used in making the couplings. Care should be exercised to prevent filings, bits of waste, lead other foreign substances from remaining in the meter, fittings or pipe.

In case two or more meters are placed upon the service connection, they shall be so placed that no one of them shall measure water that has passed through another meter.

(h) Premises using water from the village water system may be equipped with an additional water meter for metering landscape use water only. Such devices shall be installed under the supervision of the Superintendent of Public Works at the expense of the homeowner. Water service will be supplied at the current rate of charge as set by ordinance; however there shall be no minimum usage and no sewer charges applied. In consideration of the above, the user agrees to curtail landscape water use upon notification by the Village during any period of outdoor water restriction and/or prohibition. (*Ord. 2004-7*)

**5.19 WASTED WATER.** All water passing through a meter will be charged for, whether used or wasted, and no deductions will be made for water wasted through defective pipes, fixtures or otherwise.

**5.20 ESTIMATES OF WATER CONSUMPTION.** If any water meter ceases to register, stops or is otherwise out of repair and fails to correctly indicate the water consumed, the Superintendent of Public Works shall estimate from the most reliable data available, the quantity of water passing through the meter during such failure and the bill so estimated shall be paid by the person billed.

**5.21 REPAIRS OF METERS.** No water meter shall be repaired, changed, altered, disconnected or in any manner disturbed except by the Superintendent of Public Works. In case of freezing, leak or other dangerous emergencies, qualified plumbers may, without first obtaining a permit remove the damaged meter from the line, but in no case from the premises. Notice of such removal shall be filed with the Superintendent of Public Works by the plumber within 48 hours after such removal.

Consumers of water shall promptly notify the Superintendent of Public Works when a water meter is frozen, and shall not attempt to thaw it. Consumers shall also give notice of injury or accident to water meters or their supply.

**5.22 TAMPERING WITH METER.** No person other than the Superintendent of Public Works or his duly authorized agent shall set, repair, or interfere with any water supply or meter; and if it shall be found that the water supply or water meter is being tampered with by any unauthorized person, the offender and the owner or occupant of the premises at which such meter is located shall be jointly and severally liable to the Village, and the water supply to such premises may be suspended. If the water supply is suspended for such cause, it shall not again be turned on until the offender, owner or occupant of the premises shall have paid to the village the cost and expense of suspension and turning on of such water supply and along with the fine imposed pursuant to Appendix A of this code as liquidated damages for such unauthorized tampering and interference. *(Ord. 2018-26)*

**5.23 READING METERS.** The Superintendent of Public Works shall read or cause to read every water meter used in the village at such times as are necessary for billing.

**5.24 RIGHT OF ACCESS TO PREMISES.** The Village, its servants, agents and employees shall have a continuing right of access to premises which are served with municipal water for the purpose of reading water meters and also for the purpose of inspecting, repairing, installing, modifying and replacing water meters. The water supply to any premises may be shut off whenever reasonable access request by the Village has been hindered or denied by the user and/or owner. In addition to such water shutoff, any person, firm or corporation violating this subsection shall be fined for each day during, or on which such access to the premises has been prevented pursuant to Appendix A of this code. *(Ord. 2020-14)*

**5.25 CONSTRUCTION CONTRACTORS.** While constructing any building, a contractor may use the village water supply upon application to the Village Clerk and payment of a fee equal to actual usage but not less than \$25 quarterly for the use of water during the period of construction. *(Ord. 2018-26; 2020-14)*

Appendix I to Section 5.18

Type of Establishment	Gallons per person per day
Rooming houses	40
Boarding houses	50
Additional kitchen wastes for non-resident boarders	10
Hotels without private baths	50
Hotels with private baths (2 persons per room)	60
Restaurants (toilet and kitchen wastes per patron)	7 to 10
Restaurants (kitchen wastes per meal served)	2-1/2 to 3
Additional for bars and cocktail lounges	2
Tourist camps or trailer parks with central bathhouse	35
Tourist courts or mobile home parks with individual bath units	50
Resort camps (night and day) with limited plumbing	50
Luxury camps	100 to 150
Work or construction camps (semi-permanent)	50
Day camps (no meal served)	15
Day schools without cafeterias, gymnasiums or showers	15
Day schools with cafeterias, but no gymnasiums or showers	20
Day schools with cafeterias, gyms and showers	25
Boarding schools	75 to 100
Day workers at schools and offices (per shift)	15
Hospitals	150 to 250+
Medical or dental institutions other than hospitals	75 to 125
Factories (gallons per person per shift, exclusive of industrial wastes)	15 to 35
Picnic parks (toilet wastes only), (gallons per picnicker)	5
Picnic parks with bathhouses, showers, and flush toilets	10
Swimming pools and bathhouses	10
Country clubs (per resident member)	100
Country clubs (per non-resident member present)	25
Motels (per bed space)	40
Motels with bath, toilet and kitchen wastes	50
Drive-in theaters (per car space)	5
Movie theaters (per auditorium seat)	5
Airports (per passenger)	3 to 5
Self-service laundries (gallons per wash, i.e., per customer)	50
Stores (per toilet room)	400
Service stations (per vehicle served)	10

**CHAPTER 6  
SEWER USE**

CHAPTER ARTICLE			<u>Page No.</u>
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AN ORDINANCE REGULATING the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof; the levying of charges for wastewater services (use charges).

IN THE VILLAGE OF RICHMOND, County of McHenry, State of Illinois.

BE IT ORDAINED by the Board of the Village of Richmond, State of Illinois, as follows:

Chapter 6      Sewer Use Ordinance

#### ARTICLE I

##### Use of Public Sewers Required

- Sec. 1            It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Richmond any area under the jurisdiction of said Village any human or animal excrement, garbage or other objectionable waste.
- Sec. 2            It shall be unlawful to discharge to any natural outlet within the Village of Richmond or in any area under the jurisdiction of said Village any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- Sec. 3            Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- Sec. 4            The owner of all the houses, building, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety

(90) days after date of official notice to do so, provided that said public sewer is within 200 feet of the property line.

## ARTICLE II

### Private Sewage Disposal

- Sec. 1 Where a public sanitary (or combined) sewer is not available under the provisions of Article I, Section 4, and the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article II.
- Sec. 2 Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Building Inspector. The application for such permit shall be made on a form furnished by the Village, (reference Appendix #2) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Building Inspector. A permit and inspection fee of \$55 dollars shall be paid to the Village at the time the application is filed.
- Sec. 3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Building Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of written notice by the Building Inspector.
- Sec. 4 The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5 At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article I, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks,

cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Sec. 6 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

Sec. 7 No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any other duly authorized officer or ordinance.

Sec. 8 When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

### ARTICLE III

#### Building Sewers and Connections

Sec. 1 No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent of Public Works.

Sec. 2 All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated, pursuant to the Federal Act and more stringent State and local standards.

Sec. 3 There shall be two (2) classes of building sewer permits: (a) for residential, wastewater service, and (b) for commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make application on a special form furnished by the Village, (reference Appendix #2).

The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Public Works Superintendent. A permit and inspection fee of \$55.00 dollars for a residential or commercial building sewer permit shall be paid to the Village at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater

constituents, characteristics, and type of activity. Said fee shall be paid at time of application and shall be in addition to any other fees set forth in this Article.

Sec. 4 A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Sec. 5 All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 6 A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 7 Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Public Works Superintendent, to meet all requirements of this ordinance.

Sec. 8 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used -in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

Sec. 9 Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to

permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Article III, Section 2, and discharged to the building sewer.

Sec. 10 No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 11 The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent of Public Works before installation.

Sec. 12 The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent of Public Works or his or her representative.

Sec. 13 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

#### ARTICLE IV

##### Use of the Public Sewers

Sec. 1 No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent of Public Works. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village to a storm sewer, combined sewer, or natural outlet.

Sec. 3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- b Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- c Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- d Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other Interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent of Public Works that such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity

of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

- a Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C).
- b Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), (65°C).
- c Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- d Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
- e Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- f Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- g Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- h Any wastes or waters having a pH in excess of 9.5.
- i Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.
- j Any cyanide in excess of .025 mg/l at any time except as permitted by the Superintendent in compliance with applicable State and Federal regulations.

- k Materials which exert or cause:
  - 1 unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
  - 2 excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
  - 3 unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
  - 4 unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
- l Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

Sec. 5 If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a reject the wastes;
- b require pretreatment to an acceptable condition for discharge to the public sewers;
- c require control over the quantities and rates of discharge; and/or
- d require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 11 of this Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village, and subject to the requirements of all applicable codes, ordinances, and laws.

Sec. 6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7 Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8 Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 9 The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as

deemed necessary the Village the right to take measurements and samples for analysis by an outside laboratory service.

Sec. 10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs is determined from periodic grab samples.

Sec. 11 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between property owner and the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with Chapter 6, Article I, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge Sewer System.

## ARTICLE V

### Protection of Sewage Works from Damage

Sec. 1 No unauthorized person shall maliciously, willfully, or negligently break, damage, destroys, or tampers with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under a charge(s) of disorderly conduct.

ARTICLE VI

Powers and Authority of Inspectors

Sec. 1 The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

Sec. 2 While performing the necessary work on private properties referred to in Article VI, Section I above, the Superintendent or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in Article IV, Section 9.

Sec. 3 The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VII

Penalties

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

ARTICLE VIII

Validity

- Sec. 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 2 The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE IX

Ordinance in Force

- Sec. 1 This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2 Passed and adopted by the Board of the Village of Richmond, State of Illinois on the 15<sup>th</sup> day of August, 2001, by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Trustee Cunningham:	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Hollenbach:	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Oelert:	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Lemburg:	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Young:	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Trustee Tabaka:	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
TOTAL:	<u>   6  </u>	<u>   0  </u>	<u>   0  </u>	<u>   0  </u>

Approved this 15<sup>th</sup> day of August, 2001.

VILLAGE OF RICHMOND

BY: \_\_\_\_\_  
Kevin Brusek, President

ATTEST:

\_\_\_\_\_  
Mary Buchert, Village Clerk

**APPENDIX # 1  
DEFINITIONS**

**Definitions**

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

Sec. 1 Federal Government

"Federal Act" means the Federal Clean Water Act (33 U.S.C. 466 et seq.) as amended, (Pub. L. 95-217).

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

"Federal Grant" shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

Sec. 2 State Government

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

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

"State Grant" shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

Sec. 3 Local Government

"Ordinance" means this ordinance.

"Village" means the Village of Richmond.

"Approving Authority" means the Superintendent of Public Works

Sec. 4 "Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Sec. 5 "INPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

Sec. 6 "Clarification of word usage: "Shall" is mandatory; "may" is permissible.

Sec. 7 Wastewater and its characteristics:

"Wastewater" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

"Sewage" is used interchangeably with "wastewater".

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

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

"Unpolluted Water" is water quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

"ppm" shall mean parts per million by weight.

"Milligrams per Liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"Suspended Solids" (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.

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

"pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of food.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

"Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is \_\_\_\_\_ gallons of

sewage per day, containing \_\_\_\_\_ pounds of BOD and \_\_\_\_\_ pounds of suspended solids.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage. "Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the permit issuant authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

Sec. 8 Sewer types and appurtenances:

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

"Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though those sewers may not have been constructed with Village funds.

"Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwater's or polluted industrial wastes are not intentionally admitted.

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

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

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

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

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

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

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

Sec. 9

Treatment:

"Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

"Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

Sec. 10 "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

Sec. 11 Watercourse and connections:

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

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

Sec. 12 User types:

"User Class" shall mean the type of user "residential, institutional/governmental, commercial", or "industrial" as defined herein.

"Residential User" shall mean all dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.

"Commercial User" shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

"Institutional/Governmental User" shall include schools, churches, penal institutions, and users associated with Federal, State, and local governments.

"Industrial Users" shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

"Control Manhole" shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

Sec. 13 Types of charges:

"Wastewater Service Charge" shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Chapter 6, Article II and shall consist of the total or the Basic User Charge, the Local Capital Cost and a Surcharge, if applicable.

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

"Basic User Charge" shall mean the basic assessment levied on all users of the public sewer system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

"Capital Improvement Charge" shall mean a charge levied on users to improve, extend or reconstruct the sewage treatment works.

"Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. debt service and capital improvement costs.

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Chapter 6, Article III.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment

works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated.

"Sewerage Fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.

**APPENDIX #2**  
**APPLICATIONS FOR SEWER PERMITS**

- a Residential or Commercial Building Sewer
- b Private Sewage Disposal
- c Industrial Sewer

**RESIDENTIAL BUILDING SEWER APPLICATION**

To the Village of Richmond:

A. THE UNDERSIGNED, being the \_\_\_\_\_ of the property located  
(Owner, Owner's Agent)

at \_\_\_\_\_ DOES HEREBY REQUEST a  
Number Street

permit to install and connect a building to serve the \_\_\_\_\_ at said  
location.

(Residence)

1. The following indicated fixtures will be connected to the proposed building sewer:

<u>Number</u>	<u>Fixtures</u>	<u>Number</u>	<u>Fixtures</u>
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bath Tubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify other fixtures \_\_\_\_\_.

2. The maximum number of persons who will use the above fixtures is \_\_\_\_\_.

3. The name and address of the person or firm who will perform the proposed work is  
\_\_\_\_\_.

4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To accept and abide by all provisions of the Village Code of the Village of Richmond and of all other pertinent ordinances or regulations that may be adopted in the future.

2. To maintain the building sewer at no expense to the Village.

3. To notify the Superintendent of Public Works when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

(Applicant)

---

(Address of Applicant)

---

(Certification by Village Treasurer)

\$\_\_\_\_\_ connection fee paid.

\$\_\_\_\_\_ inspection fee paid.

Application approved and permit issued:

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Village of Richmond

**PRIVATE SEWAGE DISPOSAL APPLICATION**

To the Village of Richmond:

A. THE UNDERSIGNED, being the \_\_\_\_\_ of the property located  
(Owner, Owner's Agent)

at \_\_\_\_\_ DOES HEREBY REQUEST a  
Number Street

permit to install sanitary sewage disposal facility to serve the

\_\_\_\_\_ at said location.  
(Residence, Commercial Building, etc.)

1. The proposed facilities include: \_\_\_\_\_

\_\_\_\_\_ to be constructed in complete accordance with the plans and specifications attached hereunto as Exhibit "A".

2. The area of the property is \_\_\_\_\_ square feet (or \_\_\_\_\_ square meters).

3. The name and address of the person to be served by the proposed facilities is:

\_\_\_\_\_

4. The maximum number of persons to be served by the proposed facilities is:

\_\_\_\_\_

5. The locations and nature of all sources of private or public water supply within the one hundred (100) feet (30.5 meters) of any boundary of said property are shown on the plat attached hereunto as Exhibit "B".

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the Village.

2. To accept and abide by all provisions of the Village Code of the Village of Richmond and of all other pertinent ordinances or regulations that may be adopted in the future.

3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the Village and at no expense to the Village.

4. To notify the Village at least twenty-four (24) hours prior to commencement of the work proposed, and again at least twenty-four (24) hours prior to the covering of any underground portions of the installation.

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Address of Applicant)

\$\_\_\_\_\_ inspection fee paid.

\_\_\_\_\_  
(Certification by Village Treasurer)

Application approved and permit issued:

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Village of Richmond

**COMMERCIAL, INSTITUTIONAL/GOVERNMENTAL, AND INDUSTRIAL SEWER CONNECTION APPLICATION**

To the Village of Richmond:

A. THE UNDERSIGNED, being the \_\_\_\_\_ of the property  
(Owner, Lessee, Tenant, etc.)

located at \_\_\_\_\_ DOES HEREBY REQUEST a  
Number Street

permit to \_\_\_\_\_ an industrial sewer connection serving the  
(install, use)

\_\_\_\_\_ which is engaged in \_\_\_\_\_  
(Name of Company)

at said location.

1. A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit are attached hereunto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_  
\_\_\_\_\_.

B. In consideration of the granting of this permit THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be adopted in the future.
2. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.
3. To cooperate at all times with the Superintendent of Public Works and his representative in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
4. To notify the Village immediately in event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Address of Applicant)

\_\_\_\_\_  
(Certification by Village Treasurer)

\$\_\_\_\_\_ connection fee paid.

\$\_\_\_\_\_ inspection fee paid.

Application approved and permit issued:

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Village of Richmond

## **CHAPTER 6B WATER REUSE**

1. Authority
2. Purpose
3. Definitions
4. Applicability
5. Permits
6. Application for Permit Submittals
7. Facilities Design
8. Cross-Connection Prevention
9. Establishing Service
10. Operation of Water Reuse System
11. Systems Costs
12. Variance and Appeals
13. Enforcements and Penalties

### **1. AUTHORITY:**

1.1. This Ordinance is enacted pursuant to the police powers granted to this Village by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 (1994).

### **2. PURPOSE:**

2.1. Whereas, the Village of Richmond supplies water and collects, treats and discharges wastewater generated in the Village to protect the public health, safety and welfare

2.2. Whereas, the Village of Richmond wants to encourage the preservation of groundwater supplies when other sources of water exist for specific uses.

2.3. Whereas, the Village of Richmond wants to preserve and protect the environmental quality of area groundwater and surface waters including the North Branch of Nippersink Creek, which runs through the Village of Richmond; and

2.4. Whereas, the Village operates and maintains a wastewater treatment system so as to meet Illinois Environmental Protection Agency permit standards, protect the public health and welfare, and allow safe discharge of the water into the North Branch of Nippersink Creek.

2.5. The Village of Richmond proposes to encourage, and in specific instances require, municipal water supply users to use municipal treated wastewater for specific uses meeting Illinois Environmental Protection Agency permitting criteria and public health standards for a non-potable water supply.

### **3. DEFINITIONS:**

3.1. *Air-gap separation* shall mean a physical break between a supply pipe and a receiving vessel which shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, and in no case less than 6 inches. (Ord. 2003-20; 9/3/03)

- 3.2. *Approved backflow preventer* shall mean a device installed to protect the potable water supply from contamination by recycled water. Makes and models of acceptable devices must be approved by the Village and as approved by the IEPA Public Water Supply Division. (Ord. 2003-20; 9/3/03)
- 3.3. *Connection fee* shall mean a charge imposed by the Village for providing reuse water service, including construction and/or installation of off-site and on-site facilities.
- 3.4. *Cross-connection* shall mean any unprotected connection between any part of a water system used or intended to supply potable water and any service or system containing reuse or other water or substance that is not safe, wholesome and potable for human consumption.
- 3.5. *Nonpotable water* shall mean water that is not useable for human consumption in conformance with the drinking water standards referred to in the definition of potable water.
- 3.6. *Potable water* shall mean water that does not contain objectionable pollution, contamination, minerals or infective agents and is considered satisfactory for domestic consumption, and conforms to the latest edition of the United States Public Health Service Drinking Water Standards.
- 3.7. *Reuse water* shall mean disinfected tertiary treated water.
- 3.8. *Reuse water facilities* shall mean facilities used in and by the Village for the storage, pumping and conveyance of reuse treated water. Reuse water facilities are intended to provide reuse treated water for uses such as landscape irrigation, agricultural irrigation, and construction or industrial process water.
- 3.9. *Reuse water service connection* shall mean the point of connection of the user's reuse water line with the reuse water service line of the Village, which shall normally be the downstream end of the reuse water meter connection.
- 3.10. *Reuse water service line* shall mean the Village's facility between its reuse water distribution system and the reuse water service connection.
- 3.11. *Reuse water mains* shall mean reuse water lines and appurtenances purchased or constructed and owned by the Village or which the Village requires an applicant, owner or user to construct but that are owned by the Village. The Village shall determine what facilities are reuse water mains from time to time. The Village's determination in regard to these matters shall be final and conclusive.
- 3.12. *User* shall mean any user of reuse water provided by the Village.

#### **4. APPLICABILITY**

- 4.1. **Applicable Users:** The ordinance applies to new developments or buildings or substantial improvement to existing buildings by the following municipal water supply users south of South Street.

4.1.1. All public users

4.1.2. All commercial users

4.1.3. All industrial users

4.1.4. All agricultural users

4.1.5. All new residential developments users, if the development is equal to or greater than 10 acres in size.

4.2 Mandated Water Reuse: All applicable users listed in 4.1 must use reuse water for the following uses:

4.1.6. Landscape watering except in playgrounds frequented by children 10 years of age or under. (*Ord. 2003-20; 9/3/03*)

4.1.7. Landscape water features except in playgrounds frequented by children 10 years of age or under.

4.1.8. Industrial cooling water

4.1.9. Commercial, industrial and public facilities toilet flushing

4.1.10. Commercial car wash facilities

4.1.11. Commercial, industrial and public boiler feed water

4.2. Encouraged Water Reuse:

4.2.1. Industrial processes: All industrial process users are encouraged to use reuse water for non-potable industrial processes and must submit an evaluation of a proposed reuse water system for all non-potable industrial processes.

4.3. Other Authorized Uses of Reuse Water

4.3.1. In addition to the mandated and encouraged water reuse, the uses of reuse water may include, but are not limited to, construction use water, commercial use, ~~groundwater recharge~~, enhancement of wildlife habitat, and recreation impoundment. Each such use must be considered for approval by the Village on a case-by-case basis. The Village may, at its discretion, set forth specific requirements as conditions to providing such services and/or require specific approval from the appropriate regulatory agencies. (*Ord. 2003-20; 9/3/03*)

4.3.2. The use of reuse water in swimming pools is NOT permitted.

## 5. PERMITS

5.1. An application for permit and required plans and supporting information must be submitted to and approved by the Village and a water reuse permit issued prior to commencing any construction.

5.2. A water reuse user permit shall be issued upon the approval of the Village. A user permit shall incorporate all the provisions of this Ordinance by express reference, and any additional requirements prescribed by the Village, to protect public health and welfare.

- 5.3. The user permit shall be effective only after all construction of reuse water facilities has been completed, tested, inspected, and final acceptance granted by the Village.
- 5.4. Copy of the current permit must be available for review at all times and clearly posted at the use site, and/or on file at the user's office.
- 5.5. The permit shall specify all allowable uses of reuse water and all use restrictions thereon.
- 5.6. The permit shall state the capacity of reuse water to be provided to the user under the permit, and shall contain the express condition that delivery of the full capacity is subject to the Village supply capabilities. The Village shall make a good faith effort to supply full permitted capacity, but shall be held harmless in the event that such a volume is not available for any reason, including, but not limited to, reduced plant production, increased demand, repairs to facilities, or regulatory compliance.
- 5.7. A use of permit shall be effective indefinitely and shall not require renewal, except that the Village reserves the right to suspend or terminate the permit, or to modify its terms and conditions, if any of the following occurs:
  - 5.7.1. A change of the owner or user of the property not covered by the permit.
  - 5.7.2. A change in the use of the property not covered by the permit.
  - 5.7.3. A violation of this Ordinance and other applicable regulations.
  - 5.7.4. A change in federal or state regulations governing the use of reuse water.
- 5.8. Permit Conditions
  - 5.8.1. Permits for reuse water service shall be subject to the following conditions:
    - 5.8.1.1. Except as otherwise provided herein, all reuse water will be provided to the user in the conditions and quantity specified in the Permit for Reuse Water Service. During drought conditions use of reuse water shall be subject only to the terms of the user permit and shall not be subject to rationing restrictions which may be imposed on the use of potable water.
    - 5.8.1.2. The Village shall have control of and shall maintain and repair off-site facilities, and meters. The user shall repair and maintain in good working condition the reuse water service connections and onsite facilities. The Village shall be entitled to inspect and test all connections and onsite facilities.
    - 5.8.1.3. The Village and its agents shall be indemnified and held harmless by the permit holder from and against all claims, damages, losses or expenses arising from the use of reuse water under the permit or from the use of facilities by which reuse water is conveyed.
    - 5.8.1.4. Unless otherwise provided by written agreement between the user and the Village, the user shall pay for all onsite facilities, including their installation as

well as for reuse water service lines and extension of reuse water transmission and distribution mains in order to provide reuse water service to the user's property.

5.8.1.5. The user shall not make any changes in or additions to, the reuse water system. Any changes or alternations to existing onsite facilities, whether the result of intention or unintended damage, shall be reported immediately to the Village.

5.8.1.6. The Village shall control and schedule reuse water distribution to users. The provisions of reuse water service and the use of reuse water by any user shall be subject to all the terms and conditions of this Ordinance.

## **6. APPLICATION FOR PERMIT SUBMITTALS**

### **6.1. Application for Permit**

6.1.1. Applications for reuse water service shall be made and will be accepted in the same manner as applications for water and sewer service, subject to the provisions of this Ordinance. In addition, the Village of Richmond has specific procedures and policies in place for servicing, regulating, billing, and collecting of bills of utility users. Such policies, along with all policies and procedures concerning enforcement and fining and setting standards for the design and installation utility pipelines and other appurtenances apply to the reuse water system, including its design, installation, and maintenance.

6.1.2. An applicant meeting the requirements for reuse water service shall file an application for reuse water with the Village of Richmond on a standard form designated by the Village.

6.1.3. The application form shall contain detailed information concerning the applicant as follows:

6.1.3.1. The applicant's relationship to the property for which reuse water service is requested and the legal owner of the property. In cases where the applicant is not the legal owner of the property, the legal owner shall consent to the application on a supplemental notarized form.

6.1.3.2. The address and, if requested, legal description of the property covered by the application.

6.1.3.3. The purpose for which the property will be used.

6.1.3.4. The required and proposed uses of reuse water within specifically defined designated use area on the property.

6.1.3.5. The estimated quantity of water and other service requirements for reuse water.

6.1.3.6. Name, daytime, emergency and after hours contact phone numbers for onsite water reuse supervisor.

6.1.3.7. Any special condition for service pursuant to this Ordinance.

6.1.4. The applicant for reuse water shall agree to comply with the requirements of this Ordinance and any and all applicable Federal, State, and local statutes, ordinances, regulations and other requirements.

6.1.5. The signed application form shall be accompanied by plans and specifications delineating the proposed reuse water designated use area, the proposed location, size, and type of all reuse water service connections and onsite facilities, and any areas in which reuse water will be specifically excluded.

6.1.6. Upon receipt of an application for reuse water service, the Village shall review the application and conduct any necessary investigation in order to determine the Village's requirements to provide reuse water service. The Village may prescribe requirements in writing to the applicant as to the facilities necessary to be constructed including design, manner of construction, method of operation and conditions of service.

## 6.2. Accompanying Plans and Specifications

6.2.1. Plans and specifications for the construction of onsite reuse water facilities shall be submitted to the Village for review and approval. The plans shall delineate the proposed reuse water service area, the proposed location, size and type of all reuse water service connections and onsite facilities. The plans shall include the layout of existing potable water pipelines and facilities including any areas in which reuse water must be specifically excluded.

6.2.2. The following information shall be provided on the plans for any reuse water service system:

6.2.2.1. Water reuse meter size (inches) and, if appropriate, water sewage meter.

6.2.2.2. Plans for all facilities and irrigated areas (square feet or acres) to be served through the reuse water meter.

6.2.2.3. Peak flow through the meter (gpm).

6.2.2.4. Estimate of the yearly reuse water requirement (acre-feet or gallons).

6.2.2.5. Service pressure at the meter as provided by the Village (psi).

6.2.2.6. Topographic contours of the site, or if not available, sufficient information to determine elevation differences within the site.

6.2.2.7. Direction of site drainage.

6.2.2.8. Location of wells on site (if applicable). (*Ord. 2003-20; 9/3/03*)

6.2.2.9. Location of site 100-Year frequency floodplain (if applicable) from the Village's floodplain maps and profiles.

6.2.2.10. Location of potable water lines and sanitary sewers.

6.2.2.11. Location of storm drains.

6.2.3. Plans for all facilities shall show the facilities meet the design requirement of the Facilities Design Section and Cross-Connection Prevention Section of this Ordinance.

6.2.4. Additional Information Required for Reuse Water Irrigation Systems

6.2.4.1. If the onsite facilities include a landscape irrigation system the following data for the materials used in the irrigation system shall be included on the plans:

6.2.4.1.1. A pipe schedule listing pipe sizes and materials of construction.

6.2.4.1.2. The following information for each type of sprinkler head:

6.2.4.1.2.1. Sprinkler radius (feet).

6.2.4.1.2.2. Operating pressure (psi).

6.2.4.1.2.3. Flow (gpm or gph).

6.2.4.1.2.4. Sprinkler pattern.

6.2.4.1.2.5. Manufacturer, model number and all pertinent information.

6.2.4.1.3. Drip irrigation information and all pertinent equipment.

6.2.4.1.4. Estimates of application rate, acres to be irrigated, soil texture and soil infiltration rate, and information on pressure requirement, hourly delivery rate, and the wetting pattern of sprinklers.

6.2.4.1.5. Exterior drinking fountains and potable water hose bibs and other public facilities shall be shown and called out on the plans. If no exterior drinking fountains or other public facilities are present in the design area, then it shall be specifically stated on the plans that none exist.

6.2.4.1.6. Standard Notes for Inclusion on User's Plans

6.2.4.1.6.1. Provide the following notes as applicable, on the reuse water improvement and irrigation plans under the heading "Reuse Water General Notes".

6.2.4.1.6.1.1. All public facilities such as comfort stations, drinking fountains, etc., shall be protected from spray by reuse water.

6.2.4.1.6.1.2. Conditions that directly or indirectly cause a run-off of reuse water outside the approved reuse water use area, or cause a ponding of reuse water of permit windblown spray to pass outside of the approved use area, whether by design, construction practice, or system operation, shall be eliminated or controlled to the greatest extent possible with the use of the best practicable technology and methodology.

6.2.4.1.6.1.3. Contractor shall adjust heads to prevent over-spraying onto sidewalks, streets and offsite.

6.2.4.1.6.1.4. Hose bibs are strictly prohibited.

6.2.4.1.6.1.5. Identification, by means of purple color-coding or stenciling, all irrigation piping.

6.2.4.1.6.1.6. All potable water and reuse water piping shall be installed with the stenciling oriented toward the top of the trench.

6.2.4.1.6.1.7. A minimum 10 foot out-to-out horizontal separation between reuse water mains and potable water or sanitary sewer mains must be maintained at all times, or as shown on these approved plans.

6.2.4.1.6.1.8. Constant pressure reuse water line shall cross at least 18 inches below potable water line and maintain a minimum 18- inch crossing separation between other utilities.

6.2.4.1.6.1.9. If a constant pressure reuse water line must be installed above a potable water line or less than 18 inches below a potable water line, the reuse water line shall be installed within a protective sleeve. The sleeve shall extend 10 feet from each side of the centerline of the potable line, for a total of 20 feet.

6.2.4.1.6.1.10. Developer/contractor shall conduct a cross-connection test and coverage test as directed by the Village of Richmond prior to any use of reuse water.

6.2.4.1.6.1.11. A break tank must be installed at any locations where a potable water supply line would adjoin a non-potable water supply line.

6.2.4.1.6.1.12. An annual cross-connection inspection of the break tank will be done by the Village of Richmond.

6.2.4.1.6.1.13. Prior to the conversion to reuse water, a signage plan showing the locations and design of reuse water "Saving Our Water: Irrigated with Non-Potable Water" signs, per the Village designated standard design, shall be installed.

6.2.4.1.6.1.14. Prior to the conversion to reuse water, an on-site user/supervisor, if different than the individual noted on the application form, shall be designated in writing. This individual shall be familiar with plumbing systems within the property, with the basic concepts of backflow/cross-connection protection, and the specific requirements of a reuse water system. Copies of the designation, with contact phone numbers shall be provided to the Village. The water reuse permittee shall notify the Village and provide updated contact information

immediately should that individual or his/her contact information change.

6.2.4.1.6.1.15. In an emergency contact:

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6.2.4.1.6.1.16. After hours contact:

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6.2.4.1.6.1.17. The reuse waterline(s) and irrigation's system(s) shown herein shall be charged with potable water until such time when reuse water is available. Prior to the conversion to reuse water, all temporary connections shall be minimized and acceptable to the Village.

6.2.4.1.6.1.18. Non-residential irrigation systems shall operate between the hours of 10:00 p.m. to 6:00 a.m. the following morning, or as allowed by the Village.

## **7. FACILITIES DESIGN**

### **7.1. Design Responsibility For Offsite and Onsite Facilities**

7.1.1. The design of the offsite facilities, including the preparation of plans and specifications shall be under the responsibility of an engineer registered with the State of Illinois. The design of the onsite facilities that will use reuse water and the preparation of plans and specifications, shall be under the responsibility of an engineer registered with the State of Illinois or other appropriate party. The reuse water system, including both offsite and onsite facilities, shall be separate and independent of any potable water system.

### **7.2. Offsite Reuse Water Facilities**

7.2.1. Offsite reuse water systems not subject to special assessments or made a condition to a private development permit may be provided by the Village. Where extension of reuse water distribution mains or provision of large-sized distribution mains is required or approved by the Village, the cost of extension or replacement shall be borne by the benefited property owners. The applicant for reuse water service shall pay a pro-rated share of the total cost of improvements based on proportionate private benefit, which shall be determined by the Village. Such pro-rated share of cost shall be in addition to other fees, deposits, and charges.

7.2.2. Plans and specifications for offsite facilities shall be submitted to the Village as specified by this Ordinance.

### **7.3. Onsite Reclaimed Water Facility**

7.3.1. All onsite reuse water facilities, which specifically benefit the approved use area, shall be provided by the applicant, owner or user at his/her expense. The user shall make, at his/her expense, any modification to the potable water system on the premises which is required by the Village, in order to permit reuse water service, including but not limited to the installation by the user of approved break tanks. Onsite reuse water facilities shall be designed to accommodate the use of reuse water in those areas where the Village has

determined that reuse water will be supplied in the future, even though reuse water service is not immediately available when the design area is ready for construction. Provisions shall be made for connection to the reuse water system when it becomes available. In the interim, potable water will be supplied to the onsite facilities through an approved temporary potable water connection. Such temporary connection to the potable water system shall be provided with Village approved device installed by the user to the satisfaction of the Village.

7.3.2. Plans and specifications for user reuse water facilities shall be submitted to the Village as specified in this Ordinance.

#### 7.4. Pressure Requirements

7.4.1. Service pressure requirements shall be determined by the Village. The user shall design for available pressure. When a reasonable service pressure would not be available to onsite facilities not previously served from potable water systems, the user shall be responsible for correcting the situation. If available service pressure is too high, the user shall utilize pressure regulators downstream of the meter to obtain the correct pressure. If available pressure is too low, the user shall provide booster pumping to increase the pressure.

7.4.2. Whenever possible, the Village will operate the reuse water system at a lower pressure than the potable water systems. This will cause potable water to flow to the reuse water system in the event of an illegal cross-connection.

#### 7.5. Booster Pumps

7.5.1. Users who use booster pumps to increase the operating pressure shall identify the pumping systems as reuse water, avoid release of reuse water in an uncontrolled manner, and provide a proper drainage of the packing seal water. At least one sign in English and Spanish shall be posted on the premises of the booster pumps that can be readily seen by all operations personnel working in the area.

#### 7.6. Depth of Pipe Cover

7.6.1. The top of the pipe of transmission / distribution mains shall be a minimum of 5 feet below the finished grade unless approved otherwise. The depth of cover on service lines shall be considered on a case-by-case basis by the Village.

#### 7.7. Separations

##### 7.7.1. Horizontal

7.7.1.1. A 10-foot separation of the reuse water pipeline shall be maintained at all times between a potable water pipeline and/or a parallel sanitary sewer or sludge pipeline.

##### 7.7.2. Vertical

7.7.2.1. On new systems reuse water and sewer lines can be located at the same elevation. The potable water shall be above reuse water and sewer. Minimum vertical separation should be 18" between top and bottom surfaces of the potable

water line pipe to the reuse and/or sewer line pipes. Exceptions to this general rule are as follows:

7.7.2.1.1. On irrigation systems where intermittently pressurized reuse water lines (laterals) service sprinkler heads, the potable water line(s) may be placed under the reuse water laterals. No special construction requirements are necessary provided that 18" vertical separation is maintained.

7.7.2.1.2. On sites using pressurized irrigation laterals with valve-in-head sprinklers, the potable water line(s) may be placed under the reuse water laterals if additional protection is provided for the potable line. Common practices include sleeving or automatic flow control/shut off devices installed and functioning properly on each lateral that crosses a potable line. If sleeving is used, the sleeve shall extend 10 feet from each side of the centerline of the potable line for a total of 20 feet. No additional special construction requirements are necessary provided that an 18" vertical separation is maintained.

## 7.8. Color Identification of Reuse Water Pipes and Appurtenances

7.8.1. All above ground, exposed facilities shall be consistently color-coded (purple) and marked to differentiate reuse water facilities from potable water and/or wastewater facilities.

7.8.2. All new transmission/distribution mains in the reuse water system, including service pipelines, valves and other appurtenances shall either be colored purple and embossed, or be integrally stamped/marked "Non-Potable Water," or be installed with a purple identification tape, or a purple polyethylene or vinyl wrap.

7.8.3. Color-coded identification (caution) tape differentiating the reuse water piping from other utility lines shall be consistent throughout the service area. The purple color shall be standardized by the Village.

7.8.4. Identification tapes shall be installed over the pipe longitudinally 2 feet below the finished surface and shall be centered. The identification shall be continuous in its coverage on the pipe and shall be fastened to each pipe length. Taping attached to sections of pipe before they are placed in the trench shall have overlaps sufficient for continuous coverage. Other satisfactory means of securing the tape during backfill of the trench may be used if suitable for the work, as determined by the Village.

7.8.5. When converting an existing potable water pipeline to reuse water usage the water pipeline shall be accurately located and tested in coordination with the Village, and the necessary actions taken to bring the water pipeline and appurtenances in compliance with this Ordinance. If the existing pipeline meets approval of the Village and the regulatory agencies, except for the pipe identification, the pipeline shall be approved for reuse water service. If verification of the existing pipeline is not possible, the pipeline shall be uncovered, inspected, and identified prior to use. However, all replacements of an offsite distribution and/or delivery system connected to a reuse water irrigation system and all replacement of an existing water irrigation system shall be color-coded for identification in accordance with the provisions of this Ordinance.

7.9. Reuse Water Valve Casings

7.9.1. Valve casings shall be the standard steel casing with a special triangular, heavy-duty cover. All valve covers on offsite reuse water transmission lines shall be of non-interchangeable shape with potable water covers and with a recognizable inscription cast on the top surface.

7.10. Valve Box Identification

7.10.1. Valve boxes shall be the standard concrete or fiberglass box with a special triangular, heavy-duty cover. All valve covers on offsite reuse water transmission mains shall be of non-interchangeable shape with potable water covers and with a recognizable inscription cast on the top surface.

7.11. Blow-Off Assemblies

7.11.1.1. Either in-line type or end-of-line type blow-off or drain assembly shall be installed for removing water or sediment from the pipe. The line tap for the assembly shall be no closer than 18 inches to a valve, coupling, joint, or fitting unless it is at the end of the line. If there are restrictions on discharge or runoff, the regulatory agencies shall be consulted to find an acceptable alternative.

7.12. Identification of Onsite Pipes and Fittings

7.12.1. New on site pipelines shall be identified as reuse water pipes by using a purple color code differentiating them from potable water piping.

7.12.2. All onsite piping and valves must also be appropriately labeled or continuously taped with appropriate identifications.

7.12.3. When converting an existing potable water line to reuse water usage the water line shall be accurately located and tested in coordination with the Village, and the necessary actions taken to being the water line and appurtenances in compliance with this Ordinance. If the existing line meets approval of the Village and the regulatory agencies, except for the pipe identification, the line shall be approve for reuse water service. If verification of the existing line is not possible, the line shall be uncovered, inspected, and identified prior to use. However, all replacements of an existing reuse water irrigation system shall be color-coded for identification in accordance with the provisions of this Ordinance.

7.12.4. A warning tape or tag with metallic backing shall be installed on all reuse water pressure and/or non-pressure service pipelines. A purple tape with black lettering stating "Non-Potable Water" shall be fastened to the top of the pipe. The tape shall run continuously the entire length of the pipe and shall be at least 3 inches in width.

7.12.5. The use of purple colored pipe, with the words "Non-Potable Water" embossed or integrally stamped/marked on the pipe as an acceptable alternative to tape. The wording should be stamped on opposite sides of the pipe, repeated every three feet.

7.12.6. All connections, temporary and permanent to a reuse water system shall be identified in such a manner as to differentiate them from connections to a potable water system.

7.12.7. When potable water is being supplied to an area, which is also being supplied with reuse water, the potable water main shall also be identified. A blue or white color-coded

tape, as determined by the Village, with the words “CAUTION—DRINKING WATER LINE” shall be fastened directing to the top of the potable water pipe and run continuously the entire length of the pipe. This tape shall be at least 3 inches in width. The color code for potable water shall be determined by the Village to differentiate it from reuse water.

7.13. Onsite Reuse Water Storage Facilities or Impoundments (*Ord. 2003-20; 9/3/03*)

7.13.1. All reuse water storage facilities owned and/or operated by reuse water users shall be protected against erosion, overland runoff, and other impacts resulting from 100-year frequency, 24-hour duration storm event.

7.13.2. All reuse water storage facilities owned and/or operated by reuse water users shall be protected from flooding by the 100-year frequency flood.

7.13.3. Earthen reuse water storage facilities or impoundments must be lined for groundwater protection. (*Ord. 2003-20; 9/3/03*)

7.14. Reuse Water for Construction Use

7.14.1. The use of reuse water for construction purposes requires approval of the Village. The permit shall be obtained prior to beginning construction.

7.14.2. Reuse water used for construction purposes may be used for soil compaction during grading operations, dust control and consolidation and compaction of backfill in trenches for non-potable water, sanitary sewer, storm sewer, gas and electric pipelines. Reuse water shall not be used for water jetting and consolidation or compaction of backfill in trenches for potable water pipelines.

7.15.3 Reuse water shall not be introduced into any potable water supply piping system.

7.15.4 Service connections, equipped with reuse water meters, for the construction use of reuse water shall be provided by the Village at locations convenient to the user but at the discretion of the Village.

7.15. Posting Approved Use Areas

7.15.1. Posting the use areas of reuse water is required to inform the public that reuse water is being used. Posting shall be required at any user field office, maintenance building, or yard within the approved use area, except as required by the regulatory agencies on a case-by-case basis. Notices and labels shall be posted on designated facilities such as controller panels, washdowns, or blowoff valves on trucks, and temporary construction facilities. The labels shall indicate that the system contains reuse water that is unsafe to drink or whatever other restrictions may apply. It shall be the responsibility of the Reuse Water Supervisor to ensure the required bilingual posting in English and Spanish are installed and maintained, and so placed that they can be readily seen by all personnel or public utilizing the facilities.

7.15.2. Where reuse water is used for landscape water features, signs shall be installed to notify that the water in the impoundment is non-potable. The agency responsible for the impoundment shall prepare a detailed plan showing placement and spacing of proposed signs. The signs shall include the international warning sign of “do not drink” for all reuse water systems.

7.15.3. A signage plan shall be prepared and forwarded to the Village of Richmond, for approval prior to the use of reuse water.

7.16. Monitoring and Inspection

7.16.1. The Village or authorized representatives of any of these agencies shall have authority to monitor and inspect the entire reuse water system including both onsite and offsite facilities. The Village shall conduct monitoring programs, as it deems necessary, to ensure that user's reuse water facilities are being operated in accordance with this Ordinance, including the provision that cross-connections between potable water facilities and the reuse water facilities do not exist. In carrying out these functions the Village or authorized representative shall have the right to enter any user's premises during reasonable hours upon presentation of proper credentials. Reasonable hours shall include hours when irrigation is being performed to ascertain whether the use is complying with the Village Ordinance for Reuse Water. The user shall indemnify and hold the Village harmless for any damage, loss, or injury allege to have been cause by the Village personnel while inspecting onsite facilities, except where the Village sole negligence is duly established.

7.16.2. Each time there is a change of either owner or user on any commercial or industrial premises, the owner or user shall notify the Village immediately. The Village will then reassess the level of protection required. Also, any alterations to existing onsite facilities that may affect required protection levels must be reported immediately to the Village.

7.16.3. At their discretion, the Village may conduct surveys of any property where reuse water service is provided by the Village. These surveys are to determine if any actual or potential cross-connection exists. The applicant, owner, or user shall provide full cooperation to facilitate these surveys.

7.16.4. In situations where potable water line are on the same property and located in the same area as reuse water lines, an annual cross-connection control site inspection will be required. The annual cross-connection inspection will be performed by the Village or an authorized representative. At the discretion of the Village, cross-connection inspections may occur more frequently, especially on potable irrigation systems which have been converted to a reuse water irrigation system in conformance with this Ordinance

7.17. Repairs

7.17.1. Repairs to broken Village-owned distribution water or sewer service lines in the right-of-way shall be the responsibility of the Village. Repairs to shut-off boxes and the plumbing systems shall be made by and at the expense of the owner(s) of the premises served, except that meters shall be repaired only by the Village. Any damage done to the Village water main or sewer lines while tapping or connecting shall be repaired by the property owner(s). The Village may, in case of emergency, repair any service pipe and recover the cost from the owner(s) of the premises served, and if the owner fails or refuses to pay within sixty (60) days of being billed therefore, the water supply may be shut off until the bill is paid, and the Village shall have a lien of the recovery thereof under the terms and provisions of this Ordinance.

7.18. Non-Liability of Village

7.18.1. The Village shall not be liable for any damage caused by a leak or break in any water or sewer service line or for damage caused by the repair or installation of such lines when such work is not done by the Village, nor shall the Village be liable for any damage caused by a failure to repair any leak or break in any service line.

7.19. Temporary Use of Potable Water, Until Reuse Water is Available

7.19.1. At the discretion of the Village, potable water may be made available on a temporary basis, until reuse water is made available. Before the user receives temporary

potable water, a reuse water permit must be obtained. Prior to commencement of reuse water service, an inspection of the onsite facilities shall be conducted by the Village to verify that the facilities have been maintained and are in compliance with the reuse water permit. Upon verification of compliance, the user shall request service start-up.

7.19.2. The Village may suspend or terminate reuse water service at any time the reuse water at the terminal point of the Village's reclamation plant does not meet the requirements of the regulatory agencies. Reuse water service would, in such case, be restored when the reuse water meets the governing requirements at the terminal point of the treatment plant. In addition, an approved air gap separation must be used in any connection for temporary potable water.

7.20. Services to Common Areas

7.20.1. The Village reserves the right to supply reuse water to contiguous areas of a single ownership through a single reuse water service connection.

7.20.2. Common areas owned or operated by home owners' associations or similar cooperative should have only one service connection whenever it is practical, and will be operated as a single ownership.

7.20.3. A reuse water service connection and water meter shall not be used to supply property not covered by the permit authorizing the connection.

7.21. Subdividing An Approved Service Area

7.21.1. When a property provided with a reuse water service connection and water meter is subdivided, such connection and meter shall be considered as serving the lot or parcel of land on which the meter is located. Additional reuse water distribution mains a/or service lines will be required for all subdivided areas in accordance with this Ordinance, unless the subdivider provides covenants, conditions, and restrictions (CC&R's) properly recorded with the County's Recorder for the operation of onsite reuse water facilities serving more than one lot, and also provides easements for reuse water distribution mains, and/or service lines or shows easement locations in the CC&R's.

7.21.2. All reuse water used on any premise where a meter is installed must pass through the meter.

7.21.3. Every reuse water service connection and meter assembly shall include a curb cock or wheel valve, as approved by the Village, on the inlet side of the meter, which shall be used exclusively by the Village for controlling the reuse water supply through the reuse water service line. If the curb cock or wheel valve is damaged by the user's use, repair and/or replacement by the Village shall be at the user's expense.

7.21.4. Each user shall restrict the use of reuse water to those uses set forth in the permit for reuse water services approved by the Village.

7.22. Temporary Discontinuation of Reuse Water Service.

7.22.1. By reason of circumstances beyond the control of the Village, or in order to protect the facilities of the Village, or for the protection of public health, safety and welfare of the residents or property owners of the Village, reuse water service may be terminated under the conditions set forth below:

7.22.1.1. On a temporary basis at any time the reuse water, at the terminal point of the Village's water reclamation plant discharge, does not meet the IEPA permit requirements. Reuse water service would, in such case, be renewed at such time that reuse water at the terminal point of the water reclamation plant would again meet the requirements of the IEPA permit or at such time that the village would supplement the reuse water system with water from the potable water system.

7.22.1.2. The Village determines that a reuse water shortage exists, or is threatened, which prevents further reuse water service.

7.23. Conditions of Pressure and Service

7.23.1. Pressure and service shall be provided on an as available basis, at the location of the user's meter. The Village shall indicate the desirable pressure of the system. All users shall hold the Village harmless from any and all damages and liabilities caused in whole or in part by pressure conditions, water quality variations, or interruptions in service. It shall be the owner's responsibility to install booster pumps to increase pressure if necessary.

7.24. Size and Location of Service Connections

7.24.1. The Village reserves the right to determine the size and location of reuse water service line, the service connections, and the meters and shall also have the right to determine the kind and size of backflow prevention devices and any and all other appurtenances to the service.

7.24.2. The reuse water service lines shall be extended to a curb line, or property line of the user's property, abutting upon a public street, highway, road, or Village's easement on which reuse water distribution mains are installed at the user's expense.

7.25. Illegal Connections

7.25.1. No person shall make any connection to reuse water facilities of the Village without a permit from the Village. Penalties for violations may be assessed according to this Ordinance.

7.26. Meter Testing

7.26.1. Any user may request that the meter through which the reuse water is being furnished be examined and tested by the Village for the purpose of ascertaining whether or not it is correctly registering the amount of reuse water being delivered through it. In such an event, the user shall make a request to the Village for a Meter Test. The meter testing shall be performed in conformance with the standards set for potable water meters.

**8. CROSS-CONNECTION PREVENTION**

8.1. Purpose

8.1.1. The primary purpose of this section is to protect the Village's potable water supply from possible contamination by prohibiting and preventing cross-connections between the potable water distribution system and the reuse water distribution system. The secondary purpose is to protect the reuse water system from other contaminants. These provisions are in addition to, and not in lieu of, the controls and requirements of other regulatory agencies, such as the IEPA.

8.2. Backflow Prevention

8.2.1. Regulations governing backflow prevention devices are intended to protect the Village's potable water supplies and are not intended to protect users from potential hazards of cross-connections in the user's onsite facilities.

8.2.2. Village approved backflow prevention of the Village's reuse water supply shall be provided by the user in accordance with the specifications and as required by the Village.

8.2.3. The backflow prevention devices required shall be in accordance with the requirements specified by the Village.

8.2.4. Provision, installation, maintenance and inspection of backflow prevention devices shall be the sole responsibility and duty of the user, and at user's expense. Inspection of backflow prevention devices shall be done at least once a year, or more often in those instances where successive inspections indicate repeated failures. These devices shall be inspected, repaired, or overhauled or replaced at the expense of the user whenever they are found to be defective. Records of such tests, repairs and overhauls shall be kept by the Village, and such records shall be made available to any concerned regulatory agency on request.

8.2.5. The installation and inspection of backflow prevention devices shall be done by a state licensed plumber, landscape installer (in the case of landscape irrigation system) or engineer at the expense of the user. The user shall submit to the Village original inspection certificates as proof of compliance. All inspection and testing shall be done to the satisfaction of the Village and the regulatory agencies concerned.

### 8.3. Type of Protection

8.3.1. The level of protection required is related to the degree of hazard that the Village determines exists on the premises served. Listed in increasing levels of protection, the following protective devices may be required: Break Tank, Reduced Pressure Principle Backflow Prevention Device (RPPD) as approved by the IEPA Public Water Supply Division, and 6" minimum Air Gap Separation (AG). The user may choose a higher level of protection than required by the Village. Situations not listed shall be evaluated done on a case-by-case basis and the appropriate level of protection required shall be determined by the Village. (*Ord. 2003-20; 9/3/03*)

### 8.4. Sewage and Hazardous Substances:

8.4.1. On premises where the Village's potable water system is used to supplement the reuse water supply, an air gap separation shall be provided.

8.4.2. On premises where reuse water is used and there is no interconnection with the potable water system, an RPPD separation maybe used instead of an air gap if approved by the Village.

8.4.3. On premises where hazardous materials and toxic substances are stored, handled, or produced in any manner in which the substances may enter both the potable water and the reuse water systems, an air gap separation to both systems shall be provided to avoid contamination of the potable water as well as degradation to the reuse water system. An RPPD may be provided in lieu of an air gap if approved by the Village and the health agency.

8.4.4. On premises where entry is restricted so that cross-connection inspections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist, an RPPD separation shall be used.

8.4.5. On premises where there is repeated history of cross-connections being established or re-established and RPPD separation shall be used.

8.5. Color-Coding Dual or Multiple Water Systems:

8.5.1. Where any property subject to reuse water service is served by or contains dual or multiple water systems and piping, the exposed portion of reuse water pipelines, valves, and other fittings shall be painted purple, banded or marked to distinguish clearly which is used for potable water and which is used for reuse water. In addition, all new unexposed reuse water pipes installed on any such property shall be similarly painted purple, banded or marked. All reuse water outlets shall be posted with bilingual precautionary posters with the wording "Non-Potable Water." Main shut-off valves shall be clearly identified to distinguish between reuse water and potable water systems.

8.6. User's Designated Reuse Water Supervisor

8.6.1. The user's designated reuse water supervisor, whose qualifications and responsibilities are in the Ordinance, shall be responsible for the prevention of any cross-connections on the property, and in the event of a cross-connection to the potable water system, the user shall immediately shutoff the main reuse water supply valve and depressurize the reuse water system to prevent further mixing with the potable supply, and shall also immediately advise the Village of the occurrence of the cross-connection. The appropriate local and State health officers shall be immediately advised by the Village so that appropriate measures may be taken to control any contamination or pollution.

8.6.2. The user shall assume all responsibilities for the prevention of cross-connections between the onsite facilities and any potable water supply, and shall indemnify and hold the Village harmless from and against any claim of damage or loss which is caused or is alleged to have been caused, in whole or in part, by cross-connections of on-site facilities. Notwithstanding this covenant, the user shall be subject to the rules pertaining to the use of reuse water as otherwise provided herein.

8.7. Conversion To Reuse Water Service

8.7.1. When a user proposes the conversion of any existing potable water irrigation system to a reuse water irrigation system, a comprehensive investigation of the proposed reuse water system shall be performed for the Village at the expense of the user. On a case-by-case basis, the Village shall review the as-built drawings, and investigation reports, and determine the measures necessary to bring the existing system into full compliance with these Rule and Regulations. The Village may deny issuance of reuse water users permit if either determines that the proposed conversion cannot be safely made.

8.8. Conversion From Reuse Water Service

8.8.1. If in the future, the Village authorizes the user to convert the onsite facilities from reuse water supply to a potable water system or other water supply, it shall be the responsibility of the user to pay all costs for such conversion, unless determined otherwise by the Village. Conversion costs shall include the following:

8.8.1.1. Isolation of the reuse water supply: Service shall be removed and plugged by the Village at the reuse water main, or abandoned in a manner approved by the Village.

8.8.1.2. Installation of Backflow Prevention Device: The users shall install approved backflow devices on all potable water, or other water meter connections.

8.8.1.3. Removal of Existing Fittings: The users shall be responsible for removal and replacement of all fittings with approved fittings for potable water.

8.8.1.4. Hydraulic Testing and Disinfection: The user shall be responsible for hydraulic testing and disinfection of the converted pipeline.

8.8.1.5. Notification: The user shall notify all personnel involved with the operations of the abandoned reuse water service.

8.8.1.6. Warning Labels/Signs: The user shall be responsible for the removal of all warning signs and labels.

8.8.1.7. Installation of Potable Water System: Provision and installation of all potable water lines and facilities and any fees due, as provided for in this Ordinance shall be the responsibility of the user.

#### 8.9. Scheduling Reuse Water

8.9.1. The Village will control and schedule the delivery of reuse water if, in the opinion of the Village, scheduling is necessary for purposes including, but not limited to, the maintenance of an acceptable working pressure in the reuse water system and the provision for reasonable safeguards in relation to public health.

#### 8.10. Temporary/Emergency Connections to the Potable Water System

8.10.1. If, in the opinion of the Village, an emergency exists, or is threatened to occur, whereby all or a portion of the water in the reuse water system is not available, the Village may approve a temporary connection to the potable water system. Examples of an emergency may include the loss of fire protection, the inability to use public buildings, or the need to shut down business operations for an extended period or on a frequent basis due to the unavailability of reuse water. Such a temporary connection shall be made in accordance with this Ordinance, and the Village shall maintain and operate all connections. (*Ord. 2003-200; 9/3/03*)

8.10.2. Before such temporary connection is made, the portion where potable water is to be supplied shall be isolated by an air gap separation from the remainder of the reuse water system. This isolation shall occur at either individual services or on the offsite system, as determined by the Village. An approved backflow prevention device shall be installed on the potable water line in accordance with this Ordinance. The emergency connection shall be removed before connection is reestablished to the reuse water system. Reestablishment of reuse water service must be inspected and approved by the Village inspector prior to resuming delivery of reuse water.

8.10.3. On a case-by-case basis, the Village may approve a temporary potable water connection for a user's reuse water system for irrigation or other uses, without an air gap. The temporary connection shall be designed to allow only one water source to serve the user's system at any given time. An approved backflow device and meter shall be installed on the potable water service and the reuse water service prior to the user's connection in accordance with this Ordinance. At no time shall the potable water system be connected to a system simultaneously served by a non-potable source.

8.10.4. The Village, at its own discretion, may provide potable water or disinfected raw water in lieu of reuse water.

8.11. Additional Restrictions on the Uses of Reuse Water

8.11.1. Run-Off and Ponding

8.11.1.1. Conditions that directly or indirectly cause a run-off of reuse water outside of the approved reuse water use area; cause a ponding of reuse water; or permit windblown spray to pass outside of the approved use area, whether by design, construction practice, or system operation, shall be controlled to the greatest extent possible with the use of the best practicable technology or methodology.

8.11.1.2. The use of reuse water shall be limited to those uses permitted by Federal and State law, and to those uses approved by the Village for the reuse water service area.

8.11.2. Protection of Drinking Fountains and Public Facilities

8.11.2.1. Any an all drinking fountains located within an approved reuse water use area shall be protected from windblown spray or by direct application through irrigation or other approved uses from contract with reuse water by isolating them with a protective structure or relocation.

8.11.2.2. Food establishment or public facilities such as picnic tables shall be protected from windblown spray or direct application from reuse water irrigation systems. Design of systems near such facilities may require the McHenry County Health Department approval.

8.11.3. Hose Bibs and Quick Couplers

8.11.3.1. No user shall use or install any hose bibs on a reuse water system regardless of style, construction or identifications. The use of quick couplers is at the sole discretion of the Village. Only quick couplers with the approved color and identification will be allowed.

**9. ESTABLISHING SERVICE**

9.1. Request for Service Connection

9.1.1. Following the completion of construction and/or installation of the reuse water facilities, the user shall request the Village to install the service connection.

9.1.2. The request for service connection shall be accompanied by all required fees for installation and connection as indicated in the current schedule of rate and as appropriate for the size and type of service.

9.1.3. The applicant, user, or owner shall submit as-built record drawings to the Village before a request for service start-up is made.

9.1.4. All changes in work constituting departures from the original design drawings shall be accurately recorded on one set of drawings and submitted to the Village for agreement

and approval prior to construction. Such changes shall be approved by the Village before any changes, modifications, or additions are made.

9.2. Connection and Extension Regulations

9.2.1. Requirements. It shall be unlawful for any person who is not so authorized by the Village to uncover, make any connections with or openings into, use, alter, repair, place, extend or disturb any appurtenance thereof until the requirements set forth in this section are met.

9.2.2. Notice of Connection. No less than 24 hours prior to the connection, extension, alteration, repair, placement or disturbance, as the case may be, notice, either in writing or verbal, shall be given of such connection, extension, alteration, repair, placement or disturbance, as the case may be, to the Superintendent of Public Works.

9.2.3. Supervision by Village. The extension, connection, alteration, repair, placement or disturbance shall be made under the supervision, at the site thereof, of the Superintendent of Public Works, or his duly authorized agent, and is covered only after it has been inspected by the Superintendent or his duly authorized agent.

9.2.4. Plumbing Regulations, Conformity. All plumbing facilities and fixtures used in the premises, all connecting pipes to the premises from the water main or public sewer, and, in the event of water mains or sewers that are constructed or extended after 1971, all such water mains and sewers must comply with all applicable Village, State and other governmental rules, regulations, ordinances and laws.

9.2.5. Payment of Obligations to Village. Payment, or evidence of payment, shall be made of any liens, encumbrances or delinquent special assessments impressed or levied against the real estate involved for the cost of the water mains or sewers, as the case may be, serving the property.

9.2.6. Connection to Municipal Water System. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Village of Richmond's Facility Planning Area and abutting on any street, alley, or right-of-way on which there is now located or may in the future be located municipal water lines is hereby required at his expense to connect to such facility in accordance with the provisions of this Chapter, within 90 days of official notice to do so, provided that said municipal water is within 200 feet of the closest property line.

9.3. Request for Service Start-Up

9.3.1. Following final acceptance of the onsite facilities by the Village, the user shall request service start-up.

10. **OPERATION OF WATER REUSE SYSTEM**

10.1. Offsite Reclaimed Water Facilities

10.1.1. Operation, maintenance and monitoring of all of the Village's offsite reclaimed water systems including, but not limited to, reuse water transmission and distribution mains, service lines, valves, connections, storage facilities, and other appurtenances and properties up to and including the Village's meter, shall be under the management and control of the Village. No other persons except authorized representatives of the Village shall have any right to enter any portion of the foregoing. No other person except

authorized representative of the Village shall have any right to operate, adjust, repair, change, alter, move or relocate any portion of the offsite reuse water system.

10.2. Onsite Reclaimed Water Facilities

10.2.1. The user or owner shall be responsible for the safe and efficient operation, maintenance and upkeep of his onsite facilities. However, the Village shall also have the right to monitor and inspect the onsite operation of the user's facilities. The Village or authorized representative of the Village shall monitor and inspect the entire reuse water distribution facility, including user facilities and for these purposes shall have the right to enter upon the user's premises during reasonable hours. Reasonable hours shall include hours when irrigation is being performed. Except in emergencies the Village and other parties authorized by the Village shall be entitled to enter upon the user's premises with reasonable notice to the user for onsite inspection during reasonable hours to verify that the user's facilities are in conformance with the provision of this Ordinance and all applicable permits.

10.2.2. The user shall notify the Village of any and all updates or proposed changes, modifications or additions to the onsite facilities. Changes shall be approved by the Village prior to construction and shall be designed and constructed according to the requirements, conditions and standards set forth in this Ordinance.

10.2.3. The user shall comply with any all applicable Federal, State, and local statutes, ordinances, regulations, contracts and requirements prescribed by the Village. In the event of violation, any charges and penalties shall be applied by the Village in accordance with this Ordinance.

10.2.4. It shall be the responsibility of the user to notify the Village of any and all failures in a reuse water system whether or not the user's opinion the failures resulted in violations. It shall also be the responsibility of the user to notify the Village of any and all violations, which occur as a result of the user's action or the action of his operations personnel.

10.2.5. The user shall keep a written log of all system failures and violations including corrective action taken. The log shall be reviewed by the Village regularly.

10.3. Designation/Responsibility of the Reuse Water Supervisor

10.3.1. Each reuse water user shall designate a User's Reuse Water Supervisor. The User's Reuse Water Supervisor shall be a person accepted and approved by the Village to operate and maintain the onsite facilities and irrigation systems, and to assume the responsibilities outlined here below. The Village shall require that the designated Users Reuse Water Supervisor obtain instruction in the use of reuse water, such instruction being provided or approved by the Village. He/she shall be the contact person for the user in all matters between the user and the Village concerning the operation of the onsite system and the use of reuse water. It shall be the responsibility of the user to notify the Village whenever a change of Reuse Water Supervisor occurs. Subsequently the user shall be responsible to obtain the Village's acceptance and approval of his newly designated supervisor. The Reuse Water Supervisor will have the following responsibilities.

10.3.1.1. To oversee reuse water service and maintain onsite facilities.

10.3.1.2. To ensure that all operations personnel are trained and familiarized with the use of reuse water, including all pertinent information contained in the Ordinance. This information shall be supplied by the Village upon request by the

user, user, owner or applicant. The applicant for a user's permit shall attest that training will be provided.

10.3.1.3. To furnish operations personnel with operating instructions, maintenance instructions, controller charts, and record drawings to ensure proper operation in accordance with the facilities design and this Ordinance and all applicable permits. At least one complete set of this information shall be kept onsite or in the nearest field office or maintenance building.

10.3.1.4. To operate and control the user reuse water system in order to prevent direct human consumption of reuse water and to control and prevent run-off.

10.3.1.5. To provide a preventative maintenance program and carry out ongoing regular maintenance and upkeep to ensure the continued operation of all system elements within the requirements of this Ordinance.

10.3.1.6. To prevent cross-connections to potable water systems, and also to protect the reuse water system from contamination from cross-connections to other sources.

10.3.1.7. To ensure that maintenance and inspection of backflow prevention assemblies is done regularly on an annual basis as per requirements of regulatory agencies, or more often in those instances where successive inspection indicate repeated failures.

10.3.1.8. To report to the Village any and all failures in the onsite facilities whether or not such failures may result in violations.

#### 10.4. Operation and Control of Onsite Reuse Water System

10.4.1. To the extent possible, the operation of the irrigation system shall be during periods of minimal public use of the approved area. Such periods of operation shall remain within any general period of reuse water irrigation operation specified by the Village.

10.4.2. Operation and control measures of onsite reuse water systems shall include, but not be limited to, the following:

10.4.2.1. Onsite reuse water facilities shall be operated in such manner to prevent or control surface flows or windblown sprays of reuse water across boundary lines, or into areas not approved for reuse water use. The system design shall avoid spray patterns that tend to accumulate reuse water to produce ponding and/or run-off on public rights-of-way or adjoining areas not approved for reuse water use.

10.4.2.2. Reuse water shall be applied at a rate that does not exceed the infiltration rate of the soil. Where varying soil types are present, the design and operation of the reuse water facilities shall be compatible with the lowest infiltration rate anticipated or designed appropriately for the soil type to prevent run-off.

10.4.2.3. No sprinkler system shall be allowed to operate for a time longer than the landscape's water requirements. The intent is to control and limit run-off and ponding.

10.4.2.4. The user shall enforce the following prohibitions as per this Ordinance.

10.4.2.4.1. Cross-connections

10.4.2.4.2. Disposal of reuse water in unapproved areas

10.4.2.4.3. The use of hose bibs

10.4.2.4.4. Ponding and run-off

10.4.2.4.5. Windblown sprays

10.4.2.4.6. Unapproved uses of reuse water.

## **11. SYSTEMS COSTS**

### **11.1. Connection Fees**

11.1.1. The fees set forth below are charged in order to reimburse the Village of its cost of inspection, and for the privilege of connecting to or extending the waterworks and sewage system of the Village. Such fees shall be the personal liability of the owner of, and a levy on the real estate involved. Such fees are as follows:

11.1.2. Waterworks Tap-On and Connection Fees: The tap-on and connection fees shall be determined by the Village Board paid at the time of a water reuse building permit is issued by the Village.

### **11.2. Reimbursement and Participation Agreements:**

11.2.1. In cases where a user/developer requests reuse water services in areas where the Village does not have existing transmission and distribution mains, the user's request for reuse water service shall be handled as follows:

11.2.1.1. Where the City determines it will be most practical to require extension of transmission and distribution mains to areas not covered in a permit application, or where oversized or additional facilities may be needed to accommodate future development, the permit may be conditioned upon the applicant financing and developing such extra service line. In this event, the Village or applicant shall undertake to provide for cost reimbursement whereby subsequent developers of benefited property will reimburse the original developer or the Village for proportional shares of the improvements.

11.2.2. In cases, where the Village has planned capital improvement projects which are scheduled for undertaking and completion on a planned timetable, and where the user / developer find the Village's plan of implementation and completion too long to wait for, and where the user chooses to undertake and complete a specific planned capital improvement project of the Village with the user's own financial resources, then a participation agreement shall be concluded with the user and the Village agreeing on equitable sharing of the financial outlay of the project, and the project shall be completed in accordance with the design and specifications of the Village.

### **11.3. Reuse Water Connection, Meter, and Service Line Charges**

11.3.1. The Village shall make charges for the installation, and perpetual maintenance of all reuse water services, meters, and appurtenances thereto, and these shall remain the

property of the Village. Said charges, in addition to all other usual and regular charges of the Village must be paid before work will be performed. Any backflow prevention devices on potable water services and flow or pressure control devices required due to application for reuse water service shall be downstream of the meter and shall be provided by the applicant, owner, or user at his/her expense.

11.3.2. The amount of said charges shall be established by resolution of the Village Board and shall be determined and computed in order to fully reimburse the Village for the cost of materials, labor, equipment, and any other costs incidental to the performance of said services.

11.3.3. Whenever an installation is required by a user, which is not covered by the schedule of rates established from time to time by the Village, such work will be done with charges based upon a statement of costs made by the Village. If the required installation, for any valid reason, cannot be installed for the amount stated in the appropriate schedule of rates established by the Village, owing to the peculiarity of the proposed service, the Village reserves the right to make said installation on the basis of a statement of cost.

11.3.4. Whenever reuse water service lines, meters or other appurtenances are requested to be removed by the user for any reasons whatsoever, the charges shall be made on the basis of a statement of costs by the Village.

11.3.5. The Village requires all applicants for reuse water service to post a guarantee deposit. An exception to this requirement is applicants who have at least one other active water service accounts with the Village and who have no record of delinquent payments with respect to their water account(s). The deposit required herein shall be equal to the estimated amount payable by the applicant for one month of reuse water service but, shall in no event be less than the sum stipulated in the schedule of rates.

11.3.6. User's guarantee deposits may be refunded upon application by the user after a twelve (12) month period from the date of receipt in which a satisfactory payment record has been established. The Village reserves the right to disallow or withhold the refund of any deposit after the twelve (12) month period.

11.3.7. No person not authorized by the Village shall tamper with, alter or injure any part of the system, or with any meter.

#### 11.4. Sewer Fees

11.4.1. Should the use of the reuse water require the water to be returned to the Wastewater Treatment Plant for treatment after use, sewage use will be metered and all applicable sewage charges will apply.

## 12. VARIANCE AND APPEALS

### 12.1. Variance.

12.1.1. No variances will be granted to the requirement that the specific municipal water user specified per Section 4.1 install a system using reuse water per Article 4.2 except in cases of extreme hardship. However, users may set aside through purchase or easements other open space in the Village in the "Water Reuse Area" described in Section 4.1, at a ratio of one acre required to one acre set aside, on which the user will apply landscape watering at the same rate expected for the Ordinance required use.

### 12.2. Variances

The Village upon application, after hearing, and subject to the process and standards that follow, may grant variances to the provisions of this Ordinance as will not cause detriment to the public good, safety or welfare nor be contrary to the spirit, purpose and intent of this Ordinance where, by reason of unique and exceptional physical circumstances or condition of a particular property, the literal enforcement of the provisions of this Ordinance would result in an unreasonable hardship.

12.2.1. A public notice will be issued inviting public comment on the proposed variances.

12.2.2. Variances shall be granted only upon:

12.2.2.1. Showing of good and sufficient cause;

12.2.2.2. A determination that the variance is the minimum necessary to afford relief;

12.2.2.3. A finding that failure to grant the variance would result in exceptional hardship to the applicant;

12.2.2.4. A finding that the granting of a variance would not result in additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud or victimization of the public, nor conflict with existing local laws or ordinances; and

12.2.2.5. The applicant's circumstances are unique and do not represent a general problem.

12.2.3. Upon consideration of the factors noted above and the intent of the Ordinance, the Village may attach such conditions to the granting of a variance deemed necessary to further the purposes and objectives herein.

12.2.4. Variances requested in connection with restoration of a historic site or building listed on the National Register of Historical Places or documented as worthy of preservation by the Illinois Historic Preservation Agency may be granted using criteria more permissive than the requirements contained in this Section.

12.2.5. Variances requested in connection with the redevelopment of previously developed sites, that will further the public policy goals of downtown redevelopment and neighborhood revitalization, may be granted a variance.

12.2.6. Due to the unique nature of Public Road Developments occurring in a narrow R.O.W. instead of an expansive tract of land, variances requested in connection with public road developments that will further the public policy of minimizing the condemnation of private or public property may be granted using criteria more permissive than the requirements of this Ordinance to the minimum extent necessary to achieve the minimal amount of condemnation.

12.2.7. Written findings shall be made public for all variances and shall be on file with the Village.

12.3. Appeals.

12.3.1. Appeals to any permit decision made in accordance with this Ordinance may be appealed to the Village Board by submitting a request to reconsider the decision, stating the

reasons why, within 60 days of the permit decision. The Board's decision is final.

**13. ENFORCEMENT AND PENALTIES**

13.1. The Village of Richmond has the right of access on the property to inspect the water reuse system required by this Chapter during and after construction. Any person, firm, corporation or public entity violating this Chapter shall be fined pursuant to Appendix A of this Code for each offense. Each day that the user is found to be in noncompliance is considered an offense. (*Ord. 2012-07*)

## CHAPTER 7 CROSS CONNECTION CONTROL

- 7.01 Purpose
- 7.02 Authority
- 7.03 Backflow Prevention Device Required
- 7.04 Approval Required
- 7.05 Inspection
- 7.06 Authority to Discontinue Water Service (*Ord. 2019-01*)
- 7.07 Consumer Responsibility
- 7.08 Cross Connection Control Regulations

**7.01 PURPOSE.** To provide an effective means for protecting the public water supply system from contamination due to backflow of contaminants through the customer water service connection into the public water system.

**7.02 AUTHORITY.**

(a) Rule 890.1510 of the Illinois Plumbing Code, 77 IL Adm. Code 890-1510, requires protection of all potable water systems from contamination due to backflow of contaminants through plumbing connections, fixtures or appurtenances.

(b) IL Pollution Control Board Regulations, 35 IL Adm. Code, 601.101, et. seq. requires an active program of cross connection control which will prevent the contamination of all public water supply systems due to backflow of contaminants or pollutants through the potable water service connection.

(c) To accomplish these goals it is necessary to introduce restrictions that describe in detail specific procedures and requirements for cross connection control.

**7.03 BACKFLOW PREVENTION DEVICE REQUIRED.** All plumbing installed within the Village of Richmond shall be installed in accordance with the Illinois Plumbing Code, 77 IL Adm. Code 890. If in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent of Public Works, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Public Works will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

**7.04 APPROVAL REQUIRED.** No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the Village of Richmond may enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply system and the method of connection and use of such supply shall have been approved by the Superintendent of Public Works and the Illinois Environmental Protection Agency.

**7.05 INSPECTION.**

(a) It shall be the duty of the Superintendent of Public Works to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Superintendent of Public Works shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

(b) The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Richmond for the purpose of verifying the presence or absence of cross connections. The Superintendent of Public Works or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Richmond for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessee or occupants of any property so-served shall furnish to the Superintendent of Public Works any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Public Works, be deemed evidence of the presence of improper connections as provided in this ordinance.

**7.06 AUTHORITY TO DISCONTINUE WATER SERVICE.** The Superintendent of Public Works is hereby authorized and directed to discontinue, after reasonable written notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance and until a reconnection fee of \$65.00-\$250.00, as determined by the Village President under the circumstances, is paid to the Village of Richmond. Immediate disconnection without notice may be effected when the Superintendent of Public Works has reason to believe that there exists an imminent danger of harmful contamination of the public water supply system unless the water supply is disconnected. Such action shall be followed by written notification to the Occupant and Owner of the cause of disconnection. Neither the Village of Richmond, the Superintendent of Public Works, or its agents or assigns shall be liable to any customer for any injury, damages nor lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice. *(Ord. 2019-01)*

**7.07 CONSUMER RESPONSIBILITY.** The consumer responsibility for back siphoned or back pressured material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

**7.08 CROSS-CONNECTION CONTROL REGULATIONS.**

(a) General Policy.

1. Purpose. The purpose of these Rules and Regulations is:
  - (i) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.
  - (ii) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.
  - (iii) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.
2. Application. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village of Richmond.
3. Policy. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgement of the Superintendent of Public Works or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Public Works shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section (e)(4)(iv) below for a period of at least five years. The Superintendent of Public Works may require the consumer to submit a cross-connection inspection report to the Village of Richmond to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

(b) Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations:

Fixed proper air gap: The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

Agency: Illinois Environmental Protection Agency.

Approved: Backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

Auxiliary Water System: Any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

Backflow: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

Backflow Prevention Device: Any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the IL Plumbing Code and the IL EPA.

Consumer or Customer: The owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

Consumer's Water System: Any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

Contamination: An impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

Cross-connection: Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

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

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

Double Check Valve Assembly: An assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.

**Health Hazard:** Any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

**Inspection:** A plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the IL Plumbing Code, 77 IL. Adm. Code 604.

**Non-potable Water:** Water not safe for drinking, personal, or culinary use as determined by the requirements of 35 IL. Adm. Code 604.

**Plumbing:** The actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

**Pollution:** The presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

**Potable Water:** Water which meets the requirements of 35 IL Adm. Code 604 for drinking, culinary, and domestic purposes.

**Potential Cross-Connection:** A fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

**Process Fluid(s):** Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

1. Polluted or contaminated waters; or
2. Process waters; or
3. Used waters originating from the public water supply system which may have deteriorated in sanitary quality; or
4. Cooling waters; or

5. Questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems; or
6. Chemicals in solution or suspension; or
7. Oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

Public Water Supply: All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days-per year. A public water supply is either a "community water supply" or a "non-community water supply"

Reduced Pressure Principle Backflow Prevention Device: A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

Service Connection: The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

Survey: The collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

Used Water: Any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

Water Purveyor: The owner or official custodian of a public water system.

(c) Water System.

1. The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.
2. The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the customer's water system begins.

3. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.
4. The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.
5. The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

(d) Cross-Connection Prohibited.

1. Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.
  - (i) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.
  - (ii) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

(e) Survey and Investigations.

1. The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.
2. On request by the Superintendent of Public Works, or his authorized representative, the consumer shall furnish information regarding the piping system of systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent of Public Works for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.
3. It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. All cross-connection control or other

plumbing inspections must be conducted in accordance with IL Rev. Stat. 1987, Ch 111, par. 1103(l).

4. It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:
  - (i) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
  - (ii) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
  - (iii) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
  - (iv) Testing and Records.
    - A. Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
    - B. Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with IL Rev. Stat. 1987, Ch 111 1/2, par. 1004(e).
    - C. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
    - D. A maintenance log shall be maintained and include:
      - 1) Date of each test.
      - 2) Name and approval number of person performing the test.
      - 3) Test results.
      - 4) Repairs or servicing required.
      - 5) Repairs and date completed.
      - 6) Servicing performed and dated completed.
- (f) Where Protection is Required.

1. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 IL Adm. Code 890 and the Agency's regulations 35 IL Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgement of the Superintendent of Public Works, actual or potential hazards to the public water supply system exist.
2. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:
  - (i) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent of Public Works and the source are approved by the Illinois Environmental Protection Agency.
  - (ii) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Public Works.
  - (iii) Premises having internal cross-connections that, in the judgement of the Superintendent of Public Works and/or the Cross-Connection Control Device Inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.
  - (iv) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
  - (v) Premises having a repeated history of cross-connections being established or re-established.
3. An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 IL Adm. Code 890 and the Agency's regulations 35 IL Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Public Works determines that no actual or potential hazard to the public water supply system exists:
  - (i) Hospitals, mortuaries, clinics, nursing homes; or
  - (ii) Laboratories; or

- (iii) Piers, docks, waterfront facilities; or
- (iv) Sewage treatment plants, sewage pumping stations or storm water pumping stations; or
- (v) Food or beverage processing plants; or
- (vi) Chemical plants; or
- (vii) Metal plating industries; or
- (viii) Petroleum processing or storage plants; or
- (ix) Radioactive material processing plants or nuclear reactors; or
- (x) Car washes; or
- (xi) Pesticide or herbicide or extermination plants and trucks; or
- (xii) Farm service and fertilizer plants and trucks.

(g) Type of Protection Required.

1. The type of protection required under Sections (f)(2)(i), (f)(2)(ii) and (f)(2)(iii) of these regulations shall depend on the degree of hazard which exists as follows:
  - (i) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
  - (ii) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
  - (iii) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.
2. The type of protection required under Section (f)(2)(iv) and (f)(2)(v) of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.
3. Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers

shall be installed on fire safety systems connected to the public water supply when:

- (i) The fire safety system contains antifreeze, fire retardant or other chemicals; or
  - (ii) Water is pumped into the system from another source; or
  - (iii) Water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source; or
  - (iv) There is a connection whereby another source can be introduced into the fire safety system.
4. All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

(h) Backflow Prevention Devices.

1. All backflow prevention devices or methods require by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.
2. Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

(i) Inspection and Maintenance.

1. It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.
  - (i) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or bypassed air gaps shall be made within 24 hours.

- (ii) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.
    - (iii) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.
  - 2. Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.
  - 3. Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester and type and date of repairs.
  - 4. A maintenance log shall be maintained and include:
    - (i) Date of each test or visual inspection; and
    - (ii) Name and approval number of person performing the test or visual inspection; and
    - (iii) Test results; and
    - (iv) Repairs or servicing required; and
    - (v) Repairs and date completed; and
    - (vi) Servicing performed and date completed.
  - 5. Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section (i)(1).
  - 6. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Public Works.
- (j) Booster Pumps.
- 1. Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.
  - 2. It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Public Works at least once a year, which the device is operable.

(k) Violations.

1. The Superintendent of Public Works shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent of Public Works, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.
2. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent of Public Works and the required reconnection fee is paid.
3. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these regulations and to the satisfaction of the Superintendent of Public Works.
4. Neither the Village of Richmond, the Superintendent of Public Works, or its agents or assigns shall be liable to any customers of the Village of Richmond for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said, termination of the water supply was with or without notice.
5. The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.
6. Any person found to be violating any provision of this Ordinance shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the, satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.
7. Any person violating any of the provisions of this Ordinance, shall be subject to a fine pursuant to Appendix A of this code. In addition to the fine provided they shall become liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation, whether the same was caused before or after notice.

## **CHAPTER 8 RICHMOND TREE ORDINANCE**

- 8.01 Purpose and Intent
- 8.02 Definitions
- 8.03 The Richmond Tree Commission: Establishment; Composition, Appointment of Members, Duties
- 8.04 Village Arborist; Establishment, Duties
- 8.05 Permits
- 8.06 Public Nuisances
- 8.07 Interference with Arborist
- 8.08 Violation and Penalty
- 8.09 Appeal
- 8.10 Severability

### **8.01 PURPOSE AND INTENT.**

- (a) Purpose. It is the purpose of this Ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within Richmond, Illinois.
- (b) Intent. It is the intent of the Village Board of Richmond that the terms of this Ordinance shall be construed so as to promote:
  - 1. The planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the Village; and
  - 2. The protection of community residents from personal injury and property damage, and the protection of Richmond from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the community.

**8.02 DEFINITIONS.** As used within this Ordinance, the following terms shall have the meanings set forth in this Section:

Arboricultural Specifications and Standards of Practice for Richmond: (The title hereinafter, shall be "Arboricultural Specifications Manual"). A manual prepared by the Arborist pursuant to the ordinance containing regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon Village owned property.

Arborist: The Village Arborist of Richmond, Illinois.

Village owned Property: Property within the Village limits of Richmond, Illinois and;

- 1. Owned by the Village in fee simple absolute or;
- 2. Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

Property Owner: The record owner or contract purchaser of any parcel of land.

Trees, Shrubs and Other plants: All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

**8.03 THE RICHMOND TREE COMMISSION: ESTABLISHMENT; COMPOSITION, APPOINTMENT OF MEMBERS, DUTIES.**

- (a) Establishment. The Richmond Tree Commission (hereinafter "Tree Commission") is hereby established. Its functions and duties are limited to those set forth in this ordinance.
- (b) Composition. The Tree Commission shall be composed of three commissioners. Three commissioners shall be appointed by the President with the approval of the Board. These three commissioners shall serve without pay and shall reside within the Village of Richmond, Illinois. Subject to the exceptions in paragraph (c), immediately below, each Commissioner of the Tree Commission shall serve for a term of three years.
- (c) Appointment of Members. One of the three commissioners initially appointed to the Tree Commission, shall serve for a term of one year; two of the three commissioners initially appointed shall serve for a term of three years. Term shall start on a common date. Determination of the length of terms of the five commissioners initially appointed shall be by lot. The President shall designate the Chairperson of the Tree Commission.
- (d) Expiration or Vacation of Terms. Within thirty days following the expiration of the term of any appointed commissioner, a successor shall be appointed by the President with the approval of the Board and the successor shall serve for a term of three years. Should any commissioner resign or be removed from the Tree Commission, a successor shall be appointed by the President and shall serve for the unexpired period of the vacated term. A member of the Tree Commission may be removed by the President with the approval of a majority of the Board.
- (e) Duties. The Tree Commission shall perform the following duties:
  - 1. Within a reasonable time after the appointment of the Tree commission, upon call of the Chairperson of the Tree Commission, the Tree Commission shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this ordinance.
  - 2. The Tree Commission shall advise and consult the Arborist on any matter pertaining to the Richmond Tree Ordinance and its enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:
    - (i) Amendments to the Richmond Ordinance, and alterations or revisions to the Arboreal Specifications Manual, and alterations, or revisions of the Urban Forestry Plan;

- (ii) Policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the Village;
  - (iii) Allocation of funds to the Arbor Division, and expenditures of funds by the Arbor Division;
  - (iv) Establishment of educational and informational programs;
  - (v) Development of policies and procedures regarding the Arborist's duties; and/or
  - (vi) Issuance of permits required by this ordinance.
3. The Tree Commission, upon the request of any person who disagrees with the decision of the Arborist, shall hear all issues of the disputes which arise between the Village Arborist and any such person whenever those issues involve matters or the interpretation or enforcement of the Arboricultural Specifications Manual, the Urban Forest Plan, or of the interpretation or enforcement of this ordinance, including disputes regarding the issuance of permits or the abatement of nuisances. The decision of a majority of the appointed members of the Tree Commission with regard to such dispute shall be binding upon the Arborist. Nothing in this Section shall be construed to limit the jurisdiction of any Court of Law with respect to such disputes.

#### **8.04 VILLAGE ARBORIST; ESTABLISHMENT, DUTIES.**

- (a) Establishment. The position of the Arborist is hereby established.
- (b) Duties. The Arborist shall perform the following duties:
  - 1. The Arborist, with the assistance of the Tree Commission, shall develop and each subsequent year, update the Urban Forestry Plan. The Plan shall outline urban forestry program activities for a minimum of the next five year's. This plan shall describe the urban forestry activities to be undertaken by the Village, the reasons for those activities, the possible funding source(s), and the means of accomplishing the activities, the alternatives available to the Village to fund or accomplish the activity, the projected date of completion, and the consequences if the activity is not completed. Activities may include but are not limited to street tree inventory, planting, tree removal, beautification projects and educational projects.
  - 2. The Arborist with the assistance of the Tree Commission shall develop and periodically review and revise, as necessary, the Arboricultural Specifications manual. This manual shall contain regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon Village owned property.

3. The Arborist shall cause the Urban Forestry Plan and the Arboricultural Specifications Manual and all revisions and amendments to it, to be published and promulgated and shall cause three copies of the Manual, and all revisions and amendments to it, to be available for public inspection at the office of the Village Clerk. Notice that such information is available for public inspection shall be published in a newspaper of general circulation with your County at least one weekday of each of four consecutive weeks immediately following the initial availability of the Arboricultural Specifications Manual or revisions or amendments thereto. The Arboricultural Specifications Manual and any revisions and additions thereto shall become effective on the tenth day following the final publication in a newspaper of general circulation required under this paragraph.
4. The Arborist shall make available to any interested person copies of the Tree Ordinance, information about the activities of the Tree Commission, copies of the Arboricultural Specifications Manual and copies of the Urban Forestry Plan.
5. The Arborist shall administer the Urban Forestry Plan, the Tree Ordinance and the provisions of the Arboricultural Specifications Manual.
6. The Arborist shall perform whatever acts are necessary, including the planting and maintenance of trees, shrubs and other plants located on Village owned property conform to the Urban Forestry Plan, the Arboricultural Specifications Manual and this Ordinance.
7. The Arborist shall issue such permits as are required by this Ordinance and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this Ordinance, the Urban Forestry Plan and with the regulation and shall have the right to inspect all work performed pursuant to such permits. If the Arborist finds that the work performed is not in compliance with the requirements of this Ordinance the Urban Forestry Plan or with the regulations or standards of the Arboricultural Specifications Manual. The Arborist shall provide written notice of his/her finding to the permit applicant. The notice shall contain a copy of Section **V(b)(5)** of this Ordinance and;
  - (i) The permit shall be nullified and shall be void and;
  - (ii) The Arborist may issue a written order that the permit applicant cease and desist all work for which the permit was required and;
  - (iii) The permit applicant shall be subject to penalty under the terms of this Ordinance and;
  - (iv) The Arborist may take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the permit applicant.

8. The Arborist shall establish a program of public information and education that will encourage the planting, maintenance, or removal of trees, shrubs and other plants on private property in furtherance of the goals of the Urban Forestry Plan.

#### **8.05 PERMITS.**

(a) Scope of Requirement. No person except the Arborist, an agent of the Arborist, public utility company or a contractor hired by the Arborist may perform any of the following acts without first obtaining from the Arborist a permit for which no fee shall be charged, and nothing in this Section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

1. Plant trees or shrubs on Village owned property or treat, prune, remove or otherwise disturb any tree, shrub or other plant located on Village owned property, except that this provision shall not be construed to prohibit owners of property adjacent to Village owned property from watering or fertilizing, without a permit, any tree, shrub or other plant located on such Village owned property;
2. Trim, prune or remove any tree or portions thereof if such tree or portions thereof reasonably may be expected to fall on Village owned property and thereby to cause damage to persons or property;
3. Place on Village owned property, either above or below ground level, a container for trees, shrubs or other plants;
4. Damage, cut, tap, carve, or transplant any tree, shrub, or other plant located on Village owned property;
5. Attach any rope, wire, nail, sign, poster or any other manmade object to any tree, shrub or other plant located on Village owned property;
6. Dig a tunnel or trench on Village owned property;

(b) Issuance. Within seven days of receipt of the, application, the Arborist shall issue a permit to perform within thirty days of the day of issuance any of the acts specified in parts (a) above and (b), below, for which a permit is requested whenever;

1. Such acts would result in the abatement of a public nuisance; or
2. Such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with any regulations or standards of the Arboricultural Specifications Manual; and whenever;
3. An application has been signed by the applicant and submitted to the Arborist detailing the location, number, size and species of trees, shrubs or other plants that will be affected by such acts, setting forth the purpose of such acts and the methods to be used and presenting any additional information that the Arborist may find reasonably necessary.

4. The applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this ordinance, the Urban Forestry Plan and with the regulations and standards set forth in the Arboricultural Specifications Manual; and
5. The applicant certifies that he or she has read and understands those provisions of the Urban Forestry Plan, this Ordinance and of the Arboricultural Specifications Manual which are pertinent to the work for which the permit is sought; and
6. If the work for which a permit is issued entails the felling of any tree or part thereof, located on private property, which, as a result of such felling reasonably may be expected to fall upon Village owned property and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the Village of Richmond harmless for all damages resulting from work conducted pursuant to the permit and shall deposit with the Village Clerk a Liability Insurance Policy in the amount of \$100,000 per person/\$300,000 per accident for Bodily Injury Liability and \$50,000 aggregate for Property Damage Liability, which policy shall name the Village of Richmond as an additional insured.

(c) Public Utility Companies. Public utility companies shall notify the Village Arborist prior to the initiation of pruning cycles which will involve trees located on Village-owned property for the purpose of maintaining safe line clearance. The notice shall state the estimated timeframe of the pruning cycle as well as the planned locations in the Village where the work will be performed. All pruning work shall be carried out in accordance with accepted arboricultural standards. Public utility companies shall also notify the Village Arborist prior to the installation or maintenance of underground utilities if such activity will occur within the dripline of trees located on Village-owned property. In the event of severe storms, natural disasters or other emergency situations, a public utility company may perform any required pruning or underground utility maintenance necessitated by such situation and thereafter notify the Village Arborist of the work performed.

#### **8.06 PUBLIC NUISANCES.**

(a) Definition. The following are hereby declared public nuisances under this Ordinance:

1. Any dead or dying tree, shrub, or other plant, whether located on Village owned property or on private property:
2. Any otherwise healthy tree, shrub or other plant, whether located on Village owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;
3. Any tree, shrub or other plant or portion thereof, whether located on Village owned property or on private property, which by reason of location or

condition constitutes an imminent danger to the health, safety or welfare of the general public;

4. Any tree, shrub or other plant or portion thereof whether located on Village owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on Village property.
5. Any tree, shrub or other plant or portion thereof whether located on Village owned property or on private property which dangerously obstructs the view as such may be determined by the Village Engineer pursuant to Ordinance.

(b) Right to inspect. The officers, agents, servants and employees, of the Village have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance.

(c) Abatement. The following are the prescribed means of abating public nuisances under this Ordinance:

1. Any public nuisance under this Ordinance which is located on Village owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.
2. Any public nuisance under this Ordinance which is located on private owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied.
  - (i) The Arborist shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year;
  - (ii) Such notice shall describe the kind of tree, shrub or other nuisance, its location on the property and the reason for declaring it a nuisance;
  - (iii) Such notice shall describe by legal description or by common description the premises;
  - (iv) Such notice shall state the actions that the property owner may undertake to abate the nuisance;
  - (v) Such notice will require the elimination of the nuisance no less than thirty days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.

3. The Arborist is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the Arborist to be an immediate threat to any person or property.

**8.07 INTERFERENCE WITH ARBORIST.** No person shall unreasonably hinder, prevent, delay or interfere with the Arborist or his/her agents while engaged in the execution or enforcement of this Ordinance.

**8.08 VIOLATION AND PENALTY.** Any person who violates any provision of this Section or who fails to comply with any notice issued pursuant to the provisions of this Chapter, upon being found guilty of violation, shall be subject to a fine pursuant to Appendix A of this Code for each separate offense. If, as the result of the violation of any provision of this Chapter, the injury, mutilation, or death of a tree, shrub or other plant located on Village owned property is caused, the cost of repair or replacement of such tree, shrub or other plant shall be borne by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of *A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens*, as published by the International Society of Arboriculture. (Ord. 2012-07)

**8.09 APPEAL.** Any party who elects to dispute any action or decision by the Village arborist or tree commission shall be entitled to appeal to the Village Board for a final determination.

**8.10 SEVERABILITY.** If any provision of this Ordinance or application thereof to any person or circumstance is held invalid by any court, other provisions or applications of the Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

ILLINOIS STATUTES  
THAT CONTAIN AUTHORITY FOR THE PROVISIONS  
OF THE RICHMOND TREE ORDINANCE

All being parts of Chapter 24 of the Illinois Revised Statutes (The Illinois Municipal Code):

Section 11-20-11 and 11-20-12 refer to the Dutch Elm disease and the provisions for the removal thereof and a lien to be established for this one particular type of violation.

Section 11-42-13 allows the Village, if it so desires, to require registration of arborist or tree experts which is defined to be one who, for profit, diagnoses a condition of shade or ornamental trees and shrubs and prescribes services or supervises treatment of such trees or shrubs or in any manner treats by feeding, fertilizing, pruning, or bracing or treats cavities or other methods. The Village cannot charge a fee for such registration and public utility employees, while working in the scope of their employment, are exempt from such required registration of arborist or tree experts, and the Village may exempt its own employees from such registration, but if it does not, they are required to be registered as an arborist or tree expert.

Section 11-60-2 gives the Village authority to define, prevent or abate nuisances.

Section 11-72-1 gives the Village authority to plant trees on streets and other Village property, which would carry with it the implied authority to regulate and maintain such trees on streets and Village property.

Section 11-73-1 gives the Village authority, by ordinance, to establish a tree planting program, and to make long term contracts (10 year maximum) with a vendor for purchase and delivery of trees and to appropriate for an established tree program.

Section 11-80-2 gives the Village the authority to regulate the use of streets and other municipal property.

Section 11-80-3 gives the Village the authority to prevent and remove encroachments or obstructions on streets or other Village property.

Section 11-80-6 gives the Village authority to provide for cleaning streets and other Village property.

## CHAPTER 9 ETHICS

Section 1	Provisions
Article 1	Definitions
Article 5	Prohibited Political Activities
Article 10	Gift Ban
Article 15	Ethics Advisor
Article 20	Ethics Commission
Article 25	Penalties

**SECTION 1:** The provisions of this Code of Ethics are intended to comply with the applicable provisions of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.* (hereinafter referred to as the “Act” in this Section) to the extent that the Act applies to municipalities. Any amendments to Article 5-15 (5 ILCS 430/5-15, Prohibited Political Activities) and Article 10 (5 ILCS 430/10-10 through 10-40, Gift Ban) of the Act and any applicable definitions under the Act (contained in 5 ILCS 430/1-5) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5 (Adoption by Governmental Entities). However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the Village Board.

### ARTICLE 1

#### DEFINITIONS

Section 1-1. For purposes of this Chapter, the following terms shall be given these definitions:

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

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

Compensated time: 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 Ordinance, 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: 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 (10 ILCS 5/9-1.4).

Employee: A person employed by the Village of Richmond, 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.

Employment benefits: Include but are not limited to the following: modified compensation or benefit terms; compensated time off; or change of title, job duties, or location of office or employment. An employment benefit may also include favorable treatment in determining whether to bring any disciplinary or similar action or favorable treatment during the course of any disciplinary or similar action or other performance review.

Employer: The Village of Richmond.

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

Leave of absence: Any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

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

Political activity: Any activity in support of or in connection with any campaign for elective office or any political organization, 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.

Political organization: A party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited political activity:

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

- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Prohibited source: 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 the 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;
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee;
- (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act (25 ILCS 170/1 *et seq.*), except that an entity not otherwise a Prohibited source does not become a Prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
- (6) is an agent of, a spouse of, or an immediate family member who is living with a Prohibited source.

## **ARTICLE 5**

### **PROHIBITED POLITICAL ACTIVITIES**

Section 5-1. 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 Richmond 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 Ordinance.

(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.

## **ARTICLE 10**

### **GIFT BAN**

Section 10-1. 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.

Section 10-2. Exceptions. Section 10-1 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 expenses 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 circumstances 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 officers or employees, or their spouses 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 this 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, "intragovernmental 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. Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. 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 Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

## **ARTICLE 15**

### **ETHICS ADVISOR**

Section 15-1. The Village President, with the advice and consent of the Village Board of Trustees shall designate an Ethics Advisor for the Village of Richmond. The duties of the Ethics Advisor may be delegated to an officer or employee of the Village of Richmond unless the position has been created as an office by the Village of Richmond.

Section 15-2. The Ethics Advisor shall provide guidance to the officers and employees of the Village of Richmond concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

## **ARTICLE 20**

### **ETHICS COMMISSION**

Section 20-1. There is hereby created a commission to be known as the Ethics Commission of Village of Richmond. The Commission shall be comprised of three members appointed by the Village President with the advice and consent of the Board of Trustees. No person shall 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 Richmond.

Section 20-2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms. 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.

Section 20-3. The Village President, with the advice and consent of the Board of Trustees, may remove a commissioner in case of incompetence, 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.

Section 20-4. The Commission shall have the following powers and duties:

(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 25-1(c) of this Ordinance and refer violations of Article 5 or Article 10 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Ordinance 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 Ordinance.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Village of Richmond 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.

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

Section 20-5. (a) Complaints alleging a violation of this Ordinance 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 Ordinance, 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 Article 10 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 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 actions 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 Article 5 of this Ordinance, 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 violation.

(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 other officer having authority to discipline the officer or employee*, 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 other officer having authority to discipline the officer or employee*, 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 Article 10 of this Ordinance 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 Ordinance 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 Act must be filed within one year after the alleged violation.

## **ARTICLE 25**

### **PENALTIES**

Section 25-1. Penalties. (a) A person who intentionally violates any provision of Article 5 of this Ordinance 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.

(b) A person who intentionally violates any provision of Article 10 of this Ordinance 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 makes a false report alleging a violation of any provision of this Ordinance 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 Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Village of Richmond by filing in the circuit court 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 Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the Village of Richmond, 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 Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

**CHAPTER 10**  
**CODE HEARING DEPARTMENT**  
*(Ord. 2012-07)*

- 10.01 Adoption of State Statutes
- 10.02 Code Hearing Department Established
- 10.03 Hearing Officer Powers, Duties and Qualifications
- 10.04 Code Administrator Duties
- 10.05 Instituting Code Hearing Provisions
- 10.06 Subpoenas and Defaults
- 10.07 Continuances and Representation at Code Hearings
- 10.08 Hearing Evidence
- 10.09 Eviction and Rights of the Defendant
- 10.10 Defenses to Code Violations
- 10.11 Findings, Decision, and Order
- 10.12 Administrative Review Law
- 10.13 Judgment on Findings, Decision, and Order
- 10.14 Sanctions Applicable to the Owner and Property
- 10.15 Administrative Adjudication Concerning Automated Traffic Law Violations

**10.01 ADOPTION OF STATE STATUTES.** The following statutes, as from time to time amended, are adopted in their entirety and any person charged with the violation of a municipal ordinance may be prosecuted under and in accordance with the provisions herein:

- (a) 65 ILCS 5/1-2.2-1, *et seq.*, Code Hearing Departments;
- (b) 65 ILCS 5/11-31.1, *et seq.*, Building Code Violations;
- (c) 625 ILCS 5/11-208.3, Administrative Adjudication of Violations of Traffic Regulations Concerning the Standing, Parking or Conditions of Vehicles and Automated Traffic Law Violations; and
- (d) 625 ILCS 5/11-208.6, Automated Traffic Law Enforcement System.

The adoption of these statutes shall not preclude the Village from using other methods to enforce Village ordinances.

**10.02 CODE HEARING DEPARTMENT ESTABLISHED.**

(a) A Code Hearing Department is hereby established for the Village as a separate and independent agency in the Village government. The purpose of the Code Hearing Department is to expedite the prosecution and correction of Code violations in the manner set forth herein. The provisions set forth in this Chapter may be used in the adjudication of any violations of a Village ordinance except for any offense under the Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*) or this Code or similar offense that is a traffic regulation governing the movement of vehicles, and except for any reportable offenses under Section 5/6-204 of the Illinois Vehicle Code, as amended from time to time.

(b) The Code Hearing Department shall be comprised of the following individuals appointed by the Village President:

- 1. A Hearing Officer who may also be referred to as an Administrative Law Judge;

2. The Chief of Police or designee;
3. The Village Administrator designee;
4. A Code Administrator; and
5. Any person or persons deemed necessary for the efficient administration of the Code Hearing Department.

(c) In no event may the Hearing Officer be an employee of the Village.

**10.03 HEARING OFFICER POWERS, DUTIES AND QUALIFICATIONS.**

(a) It is the duty of the Hearing Officer to:

1. Preside at an administrative hearing called to determine whether or not a Code violation exists.
2. Hear testimony and accept evidence relevant to the existence or non-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 a written determination, based on the evidence presented at the hearing, of whether a Code violation exists. The determination shall include a written finding of fact; decision based upon those findings of fact; and an order that states the sanctions including the fine or penalty or action with which the defendant must comply, or dismissing the case if the violation is not proved.
5. Impose penalties consistent with applicable Village provisions and assess costs upon finding a party liable for the charged violation. The maximum monetary fine imposed under this Chapter shall be exclusive of costs of enforcement or costs imposed to secure compliance with the Village's ordinances.
6. In no event shall the Hearing Officer have authority to impose a penalty of incarceration.

(b) Every Hearing Officer shall serve as the hearing officer for matters set forth under these regulations and be an attorney licensed to practice law in the State of Illinois for at least three years. Prior to conducting proceedings under this Chapter, Hearing Officers shall successfully complete a formal training program that includes:

1. Instruction on the rules of procedure of the hearing that they will conduct;
2. Orientation to each subject area of the Code violations they will administer;
3. Observation of administrative hearings; and

4. Participation in hypothetical cases, including rules of evidence and issuing final orders.

**10.04 CODE ADMINISTRATOR DUTIES.** The Code Administrator may be a Village employee or an independent contractor or agency contracted by the Village to perform such duties as enumerated herein. The Code Administrator is authorized, empowered and directed to:

- (a) Operate and manage the system of administrative adjudication of all Code violations, as may be permitted by law and directed by ordinance;
- (b) Adopt, distribute and process all notices as may be required herein;
- (c) Operate and maintain a computerized program for the system of administrative adjudication;
- (d) Keep accurate records of adjudication appearances and activities;
- (e) Collect monies paid as fines and/or penalties after a final determination of liability; and
- (f) Other duties as may be necessary to efficiently administer this Chapter.

**10.05 INSTITUTING CODE HEARING PROVISIONS.**

(a) When a police officer, building inspector, code enforcement officer or other individual authorized to issue a Code violation finds that a Code violation exists, that individual shall note the violation on a multiple copy violation notice, report and hearing notice that indicates:

1. The name and address of the defendant;
2. The type and nature of the violation including a reference to the appropriate section of the Code and potential penalties that may result;
3. The date and time the violation was observed;
4. The names of witnesses to the violation;
5. In the event of a building code violation, the address of the structure or premises where the violation is observed;
6. The means by which the defendant may waive the right to a hearing and pay the applicable fine for the violation;
7. The time, date and location of the hearing; and
8. Penalties which may occur if the defendant fails to appear.

(b) For the purpose of a Code violation relating to real property, the property owner shall be prima facie responsible for a violation that occurs on such property and subject to the penalty therefore. For violations relating to motor vehicles, the owner or operator of said vehicle shall be prima facie responsible for a violation that occurs.

(c) The violation report shall be forwarded to the Code Hearing Department and a docket number shall be assigned and stamped on all copies of the report and a hearing date shall be noted on the form. The hearing date shall not be less than 30 or more than 40 days after the violation is reported.

(d) One copy of the violation report shall be maintained in the files of the Code Hearing Department and shall become part of the record of the hearing. One copy of the report shall be returned to the individual representing the Village and one copy of the report shall be served by first class mail to the defendant, along with a summons commanding the defendant to appear on the specified hearing date. In the case of a building code violation, service of the report shall be made by first class mail on the owner of the structure or premises, along with a summons commanding the owner to appear at the hearing. If the name of the owner of the structure or premises cannot be ascertained or if service cannot be made by mail, service may be made on the owner by posting, nailing or substantially affixing a copy of the violation report form on the front door of the structure or premises where the violation is found, not less than 20 days before the hearing is scheduled.

**10.06 SUBPOENAS AND DEFAULTS.** At any time prior to the hearing date, the Hearing Officer assigned to the case may, at the request of either party, direct witnesses to appear and give testimony at the hearing. If the defendant or the defendant's attorney fails to appear on the specified hearing date, 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.

**10.07 CONTINUANCES AND REPRESENTATION AT CODE HEARINGS.** No continuances shall be authorized by the Hearing Officer in proceedings under this Chapter except in cases where a continuance is absolutely necessary to protect the rights of the defendant. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a Hearing Officer under the terms of this Chapter shall not exceed 25 days unless agreed to by all parties. The case for the Village may be presented by an attorney designated by the Village or by any other Village employee, except that the case for the Village shall not be presented by an employee of the Code Hearing Department. The case for the defendant may be presented by the defendant or the defendant's attorney or any other agent or representative of the defendant.

**10.08 HEARING EVIDENCE.** At the hearing the Hearing Officer shall preside, shall hear testimony and shall accept any evidence relevant to the existence or non-existence of a Code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings authorized by this Chapter.

**10.09 EVICTION AND RIGHTS OF THE DEFENDANT.** No action for eviction, abatement of a nuisance, forcible entry and detainer or other similar proceedings shall be threatened or instituted against an occupant of a structure or premises solely because such occupant agrees to testify or testifies at a Code violation hearing.

**10.10 DEFENSES TO CODE VIOLATIONS.** It shall be a defense to a Code violation charged if the owner, the owner's 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 owner to maintain the structure or premises free of such violation, the current occupants continue to cause the violations; or

(c) An occupant or resident of the structure or premises has refused entry to the owner or the owner's agent to all or part of the structure or premises for the purpose of correcting the Code violation.

**10.11 FINDINGS, DECISION AND ORDER.** At the conclusion of the hearing, the Hearing Officer shall make a determination based on 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 (i) the Hearing Officer's finding of facts, (ii) a decision as to whether a Code violation exists based on the findings of fact, and (iii) an order that states the sanction or dismisses the case if a violation is not proved. A monetary sanction for a violation under the terms of this Chapter shall not exceed the amount authorized by statute. If a building code violation is proved, the order may also impose the sanctions that are provided in this Code for the violation proved. A copy of the findings, decision and order shall be served on the defendant within five days after it is issued. Service shall be in the same manner that the violation report and summons are served in accordance with Section 10.05(d) of this Chapter. 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 otherwise provided for; however, payment of such fine or penalty shall be made no later than 10 days after the determination has been made by the Hearing Officer.

**10.12 ADMINISTRATIVE REVIEW LAW.** The findings, decision and order shall be subject to review in the 22<sup>nd</sup> Judicial Circuit Court. The provisions of the Illinois Administrative Review Law (735 ILCS 5/3-101, *et seq.*) or as hereinafter amended, and the rules adopted pursuant thereto, shall apply to and govern every action for the judicial review of the findings, decision and order of the Hearing Officer under this Chapter. Any person filing for judicial review under the Illinois Administrative Review Law shall be subject to the assessment of costs for the preparation and certification of the record of proceeding before the Hearing Officer.

**10.13 JUDGMENT ON FINDINGS, DECISION AND ORDER.**

(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 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 said circuit court for the purpose 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 were issued in accordance with this Chapter and the applicable Village ordinance. Service of the summons and a copy of the petition may be made by any method provided for by Section 2-203 of the Code of Civil Procedures 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 do not exceed \$2,500.00. If the court is satisfied that the findings, decision and order were entered in accordance with the requirements of this Chapter and 65 ILCS 5/1-2.2-1, *et seq.*, Code Hearing Departments, and the applicable Village ordinance, and that the defendant had an opportunity for a hearing under this Chapter and for judicial review as provided:

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 recovery of money; and

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.

**10.14 SANCTIONS APPLICABLE TO THE 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 shall attach to the property as well as to the owner of the property 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 ownership of the property subject to the findings, decision and order of the Hearing Officer under this Chapter.

**10.15 ADMINISTRATIVE ADJUDICATION CONCERNING AUTOMATED TRAFFIC LAW VIOLATIONS.** Except as otherwise provided for, Section 14.260, Automated Traffic Law Enforcement System, of this Code shall be subject to the procedures of this Chapter.

## CHAPTER 12 NUISANCES

- 12.01 Public Nuisances Prohibited
- 12.02 Public Nuisances Defined
- 12.03 Garbage and Refuse
- 12.04 Junk and Abandoned Vehicles
- 12.05 Weeds (*Ord. 2016-12; 2019-05*)
- 12.06 Sewage Disposal
- 12.07 Dangerous Buildings
- 12.08 Unfit Dwellings
- 12.09 Dead or Diseased Trees
- 12.10 Dogs and Other Animals
- 12.11 Abatement of Public Nuisances (*Ord. 2019-17*)

**12.01 PUBLIC NUISANCES PROHIBITED.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the village or within the police jurisdiction of the village.

### **12.02 PUBLIC NUISANCES DEFINED.**

(a) General. A public nuisance is a thing, act, occupation, condition or use of property, which shall continue for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; or
2. In any way render the public insecure in life or in the use of property; or
3. Greatly offend the public morals or decency; or
4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

(b) Public Nuisances Affecting Health. The following are hereby declared to be public health nuisances, prejudicial to the public health, but shall not be construed to exclude other health nuisances coming within the definition of subsection (a) of this section:

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered to the public for consumption.
2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death;
3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects,

- rats or other vermin may breed or which create a fire hazard or which constitutes an attractive nuisance for children;
4. All stagnant water in which mosquitoes, flies or other insects can multiply;
  5. Garbage cans which are offensive and which are not fly-tight, vermin and rodent proof.
  6. The deposit of garbage, rubbish, or any offensive substance on any street, sidewalk or public place, or on any private property, except as may be permitted by ordinance;
  7. Unsheltered storage of old, unused, stripped, junked, unlicensed, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within the corporate limits of the village.
  8. Any barn, stable or shed used for keeping livestock or poultry.
  9. Any noxious weeds on private property, as defined by Chapter 18 of the Illinois Revised Statutes;
  10. All abandoned wells and well pits which are no longer used for the purpose intended and which are not properly filled to prevent ground water pollution or other hazard to the public health.
  11. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances; or any act in violation of the Environmental Protection Act;
  12. Any obstruction in or across any watercourse, drainage ditch or ravine;
  13. Any dense smoke, noxious fumes, gas, soot, or cinders or other air pollutant which when emitted from equipment, building, or other structure in quantities sufficient to be toxic, harmful or injurious to the health of an employee, or occupant of any premises or to any person.
  14. Any use of property, substances or things within the village emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the village;

(c) Public Nuisances offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (a) of this section:

1. All disorderly houses, bawdy houses, house of ill fame kept or resorted to for the purpose of prostitution or promiscuous sexual intercourse. (*Ord. 2012-15*)
2. All gambling devices and slot machines except as permitted pursuant to the Illinois Video Gaming Act (230 ILCS 40/1 *et seq.*) and applicable regulations. (*Ord. 2012-15*)
3. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this code;
4. Obscene establishments or activities defined as follows: Any establishment, premises, building or place used to promote, or any activity that promotes any obscene exhibition or obscene material. An exhibition or material is obscene if the average person, applying contemporary community standards, would find, taken as a whole, appeals to the prurient interest, which, taken as a whole, lacks serious literary, artistic, political or scientific value, and which depicts or describes, in a patently offensive way specified sexual activities or specified anatomical areas, but excepting therefrom any such obscene material that is not promoted for gain and was made or presented to personal associates other than persons under age 18, or any such material that is used in an institution or by an individual having scientific or other special and lawful justification for possession and use of such material ("gain" hereby meaning monetary or in kind consideration, whether in the form of payment of a price, a fee, dues or any other financial transaction.)
5. Any place or premises within the village where ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(d) Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (a) of this section:

1. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the village relating to materials and manner of construction of buildings and structures;
2. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use;
3. Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire;
4. All electric and barbed wire fences, unless authorized by zoning district.
5. Residential swimming pools, spas and hot tubs which do not meet current McHenry County requirements for proper barrier;

6. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
7. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only with the strength of a small child;
8. Any advertisements or signs affixed to any building, wall, fence, sidewalk, street or other private or public property without permission of the owner thereof;
9. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
10. Any sign, marquee or awning which is in an unsafe condition, or which overhangs any roadway, or which overhangs any sidewalk less than 8 feet above the sidewalk surface;
11. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground;
12. All limbs of trees which project over a public sidewalk less than 8 feet above the surface thereof or less than 10 feet above the surface of a public street;
13. All dead or diseased trees or parts thereof located on private property which overhangs any street, sidewalk or other property owned by the village;
14. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
15. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing;
16. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;
17. All use or display of fireworks except as provided by the laws of the State of Illinois and ordinances of the village;
18. Lighting, whether decorative or for security, which spills over onto or into any adjoining property or onto any public thoroughfare so as to be hazardous or annoying to others, or which glares or shines into the eyes of motorists or pedestrians.

19. Any dog running at large and not under direct control of its owner or responsible person.
20. Any nuisance so defined by the Illinois Revised Statutes, or under the common law.

### **12.03 GARBAGE AND REFUSE.**

(a) The owner, occupant or lessee of any premises in the village shall remove from his premises or otherwise dispose of all garbage, ashes, rubbish and refuse, and shall keep the premises free and clear of any accumulation of any such refuse.

(b) Pending disposal of garbage from any premises, the garbage shall be deposited in watertight containers with close fitting covers. Pending disposal from any premises, cans, bottles, metal ware and similar inorganic household rubbish shall be deposited in rigid containers. All garbage and refuse shall be so stored as not to invite insects or rodents or be unsightly or a nuisance.

(c) No person shall deposit any garbage, rubbish or refuse on any street or public place, or on any public or private property not his own except at any dump site which may be authorized by the Board of Trustees.

(d) No person shall bury any garbage within the village.

### **12.04 JUNK AND ABANDONED VEHICLES.**

(a) Definition. The following definitions shall apply in this section:

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, automobile, truck, trailer, motorcycle, tractor, and wagon.

Street or highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to use of the public for purposes of vehicular travel.

Property: Any real property within the village which is not a street or highway.

Junk: Any property, which is not currently used or useable.

(b) Abandonment of Vehicles. 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.

(c) Non-operating Vehicle or Junk on Street or Lots. No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle, or other junk as defined herein on any street or highway or on any lots within this village without written authorization of proper authorities of the village.

(d) Disposition of Wrecked or 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 or junk as defined herein to remain on such property longer than 7 days; and no person shall leave any such vehicle or junk on any property within the village for longer time than 7 days, except that this shall not apply with regard to a vehicle or junk 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, or when written permission is given by proper authorities of the village to have junk on lots or premises.

(e) Impounding. The village may remove or have removed any vehicle or junk left at any place within the village which reasonable appears to be in violation of this section or lost, stolen, or unclaimed. Such vehicle or junk shall be impounded until lawfully claimed or disposed of in accordance with Chapter 95 Illinois Revised Statutes, Sections 42-49.

#### **12.05 WEEDS.**

(a) Defined. For the purposes of this section, "noxious weed" is defined to include but not limited to Giant Ragweed, Common Ragweed, Musk Thistle, Canada Thistle, Perennial Sow Thistle and Johnson Grass. (*Ord. 2016-12*)

(b) Prohibited Weeds. It shall be unlawful for any person to permit any type of noxious weed to grow on any real estate owned, occupied, controlled, managed or possessed by such person in the village.

(c) Height of Weeds. It shall be unlawful for any person to permit any other weeds, any grasses or plants except trees, bushes, flowers or other ornamental plants to grow to a height exceeding 8 inches on any real estate owned, controlled, occupied, managed or possessed by such person in the village.

(d) Violations. Any party that violates any provisions of this section shall be subject to a fine pursuant to Appendix A of this code for each day violated and/or having the property mowed by the Village and be liable for the fee established for the actual cost incurred. (*Ord. 2016-12; 2019-05*)

**12.06 SEWAGE DISPOSAL.** All sewage wastes shall be disposed of in a sanitary manner so as not to endanger the health of any person or be a nuisance. The disposal of sewage wastes into a septic tank and seepage bed, which is properly constructed, and adequate to handle the sewage wastes shall satisfy the requirements of this chapter.

Any violation of this section shall be deemed a nuisance and may be abated as such in the manner prescribed by law or by this code.

#### **12.07 DANGEROUS BUILDINGS.**

(a) Definitions. The term "dangerous building" as used in this section means:

1. Any building, shed, fence or other man-made structure which is dangerous to the public health because of its conditions, and which may cause or aid in the spread of disease or injury to the health of occupants of it or neighboring structures;

2. Any building, shed, fence or other man-made structure which because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard;
3. Any building, shed, fence or other man-made structure which because of its condition or because of lack of doors or windows is available to or frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

(b) Nuisance. Any dangerous building in the village is declared to be a nuisance.

(c) Prohibited. It shall be unlawful to maintain or permit the existence of any dangerous building in the village and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

(d) Abatement. Whenever a village officer shall be of the opinion that any building or structure in the village is a dangerous building, he shall file a written statement to this effect to the Village Clerk. The clerk shall thereupon cause notice to be served. Such notice shall state that the building has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairs or altering the building or by demolishing it; and that the condition must be remedied at once.

#### **12.08 UNFIT DWELLINGS.**

(a) Designation. The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation, placarding and demolition of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

Any dwelling or dwelling unit which shall be found by the Board of Trustees to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the village:

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public or where such facilities or protection are not in working condition.
3. One which because of its general condition or location is unsanitary, unsafe or otherwise hazardous to the health or safety of the occupants or of the public.

(b) Vacating. Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the village shall be vacated within a reasonable time, not to exceed 60 days, as ordered by the Village President.

(c) Re-Use. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and the placard is removed by, the Village President. The President shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(d) Removing Placard. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such except as provided in subsection (c).

(e) Hearings. Any person affected by any notice or order relating to the condemnation and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing before the Board of Trustees on the matter within 10 days after the date of such order and placarding.

(f) Court Order. Where a dwelling or dwelling unit is condemned and placarded as unfit for human habitation and is not vacated within the time specified in such vacation order, the Village President shall seek a court order in a court of competent jurisdiction for the vacation of such dwelling or dwelling unit.

(g) Demolition. A dwelling which is subject to condemnation and placarding as unfit for human habitation may be ordered demolished by the Village President if it is determined by the Inspector that such defects upon which the condemnation order is based cannot be economically remedied. Demolition according to requirements listed below may be required of the owner within a reasonable period of time, said period of time to be not less than 30 days after notice is served on said owner. Such demolition shall have the effect of fulfilling the requirements of removing defects if the dwelling structure is razed to ground level and any subsurface area is filled with solid materials to ground level.

1. In accordance with the provisions of the Illinois Revised statutes, the corporate authorities shall apply to the Circuit Court of McHenry County for an order authorizing the demolition of the dwelling or building as unfit for human habitation, after at least 30 day written notice has been served on the owner and the owner has failed to comply with said notice. Service of all notices shall be made on the owner or owners if possible, but where after diligent search the identity or whereabouts of the owner or owners of such buildings shall not be ascertainable, notice mailed to the person or persons in whose name such real estate was last assessed shall constitute notice under this section.
2. After order of demolition is entered in the Circuit Court of said McHenry County, the corporate authorities shall then proceed to demolish said building or dwelling as follows:
  - (i) At least two bids shall be secured upon the cost of demolition of the said building or dwelling and a contract shall be awarded to the lowest bidder.
  - (ii) The payment of said contract shall be from the general fund of the village.

- (iii) The cost of demolition of the building shall be recoverable from the owner or owners of such real estate, and shall be a lien thereon, which lien shall be subordinate to all prior liens and encumbrances provided that within 60 days after said cost and expense is incurred, the village or person performing the service by authority of the village, shall file notice of the lien in the office of the Recorder of Deeds of McHenry County, said notice to consist of a sworn statement setting out: (a) a description of the real estate sufficient for identification thereof; (b) the amount of money, cost or expense payable for the demolition; (c) date or dates when said cost or expense was incurred by the village.
- (iv) Upon the payment of the cost or expense by the owner or owners interested in said property after notice of lien has been filed, the lien shall be released by the village or person in whose name the lien has been filed. The line may be enforced by proceedings to foreclose as in the case of mortgages or mechanic's liens. Suit to foreclose the lien shall be made within three years after date of filing of notice of the lien.

**12.09 DEAD OR DISEASED TREES.**

- (a) Any and all trees or parts thereof located in and on the streets in the Village of Richmond, or in or on property owned by the Village, shall be subject to the terms of this section.
- (b) Any such trees or parts thereof which are diseased or dead shall be removed at the direction of the Superintendent of Public works.
- (c) Any tree or part thereof located on private property which overhangs any street in the village, including any sidewalk, treebank or other property located in said street in the village, or which overhangs any property owned by the village, which is dead or diseased shall be removed by the owner of the property upon which said tree stands upon the serving upon such owner of a notice of such removal.

**12.10 DOGS AND OTHER ANIMALS.**

- (a) No person shall cause or permit any dog owned or kept by him to be at large within the village. All dogs, while on any street, public way or private premises other than the premises of the owner, agent or keeper, shall be led by a chain or leash not exceeding 6 feet in length in such a manner as to prevent such dog from biting or otherwise injuring any person or animal. Nothing in this section shall be interpreted to require the leashing of any dog while on the private premises of the owner, agent of the owner or keeper.
- (b) With the exception of dogs leading blind persons, no dog shall be permitted, even though on leash or carried, to enter any of the following places or areas:
  - 1. Any restaurant, food establishment, office, store, market or confectionery shop during the time such establishment is open for public business;

2. A public building or public grounds;

(c) Any dog found at large shall be taken up by the Police Department and impounded in the McHenry County animal shelter and shall be held according to the rules of the shelter.

### **12.11 ABATEMENT OF PUBLIC NUISANCES.**

(a) **Notice to Abate.** Upon establishing the presence of any of the nuisances described in this Chapter, the Village shall cause to be served or sent a notice ordering the abatement of the nuisance within 10 days from the date of sending or serving the notice, as provided for in this Section.

(b) **Method of Service of Notice.** The notice may be served by any one of the following methods:

1. Personal service on the owner, occupant, manager or party in possession of the real estate on which the nuisance exists;
2. Mailing of a copy of said notice by registered or certified mail to the last titleholder of record of the subject property, as noted in the Treasurer's office of McHenry County, using the address of the last taxpayer of record on said subject property, in accordance with the records of the Treasurer of McHenry County;
3. Faxing a copy to the owner or owner's legal representatives. Any notice, mailed or Faxed as provided herein, shall be deemed to have been given or made on the date of mailing or faxing. Personal service of notice shall be deemed to have been given or made on the date of service.
4. If the subject property has a mailing address other than the address of the last taxpayer of record, and service is by mail, a copy of said notice shall be mailed by regular mail to said address.

(c) **Persons Authorized to Personally Serve Notice.** The notice may be served by any employee of the village authorized or directed by the Village Board and/or Village President to serve said notice. Said employees and/or officers shall include but not be limited to Village building inspectors, public works officers and employees, and police officers. Personal service may also be obtained by such other parties as may be authorized to serve civil process in the State of Illinois.

(d) **Failure to Abate after Notice.** If the nuisance is not abated within 10 days from the mailing or service of the notice as provided for in this Section, the nuisance shall be deemed a violation of this ordinance.

(e) **Abatement of the Nuisance by the Village.** If the nuisance is not abated within said 10 days, the Village may proceed to abate such nuisance and shall keep an account of the cost and expenses of such abatement.

(f) **Payment of Fees, Costs and Expenses to the Village.** All costs and expenses incurred by the Village including an administrative fee of \$100.00 shall be billed to the owners, occupants, managers or parties in possession of the property. If the fees and costs are not paid at the

Village Clerk's office within 10 days of the billing of such, the Village attorney is authorized to file a suit in a court of competent jurisdiction for all costs and expenses incurred by the Village, including reasonable attorney's fees and interest on all sums due and owing the Village at the rate of 10% per annum. (*Ord. 2019-17*)

(g) Lien and Foreclosure Remedies. In addition to all other remedies that the Village may have for collection of sums due and owing the Village, the Village may place a lien upon the subject property for all costs and expenses incurred by the village in connection with the abating of the nuisance, including interest and legal fees. The lien upon the real estate affected shall be superior to all other liens and encumbrances to the extent allowed by law. Said lien may be enforced by a foreclosure procedure using the procedures now in effect in the State of Illinois for foreclosures of mechanics liens, Illinois Revised Statutes, Chapter 82.

(h) Release of Lien. Upon payment to the Village of all costs and expenses incurred by the Village including recording charges, expenses for any foreclosure suits instituted, attorney fees, and interest, the Village shall release said lien.

(i) Violations. Any party that violates any provisions of this Chapter shall upon conviction be subject to a fine pursuant to Appendix A of this Code for each offense. (*Ord. 2012-07*)

(j) Equitable Relief. The Village or any person whose property may be affected by a violation of this Chapter may institute an appropriate proceeding in equity to abate said nuisance.

(k) Remedies. The remedies and penalty provisions provided for herein shall be deemed non-exclusive, and the election by the Village to proceed with collection of funds due and owing the Village, recording and foreclosing of a lien, or a suit in equity to abate the nuisance shall not bar the Village from instituting actions for violation of this Chapter as provided for in paragraph (i) or such other remedies as may by law be provided.

## **CHAPTER 13 DOGS AND OTHER ANIMALS**

- 13.01 Definitions
- 13.02 Dogs at Large
- 13.03 Impounding Dogs
- 13.04 Redemption of Impounded Dogs
- 13.05 Fierce Dogs
- 13.06 Injury by Dogs
- 13.07 Rabies
- 13.08 Dogs on Leach
- 13.09 Dogs in Public Places
- 13.10 Livestock and Poultry
- 13.11 Cruelty to Animals
- 13.12 Dangerous Animals
- 13.13 Noisy Animals

**13.01 DEFINITIONS.** Terms used in this chapter have the following meanings:

Dog: Any canine of 6 months of age or older.

At large: Off the premises of the owner without a leash.

**13.02 DOGS AT LARGE.** Any dog found running or being at large in any of the streets, public ways or upon the private premises of any person other than the owner or keeper of such dog is a public nuisance. No person shall cause or permit any dog owned or kept by him to be so at large within the Village.

**13.03 IMPOUNDING DOGS.** It shall be the duty of the Police Department to take up and impound in such place as is designated for that purpose by the village any dog found at large.

**13.04 REDEMPTION OF IMPOUNDED DOGS.** Any dog, which is impounded, shall be confined in the McHenry County animal shelter and shall be held according to the rules of the shelter.

**13.05 FIERCE DOGS.** No confined dog shall be declared dangerous, fierce or vicious except upon determination by a licensed veterinarian. If a confined dog is so declared to be dangerous, fierce or vicious, the owner or keeper of such dog shall immediately provide extraordinary precautions such as muzzles, chains, cages and warning signs, as may be required by the Chief of Police. Any dog at large, which by its actions is deemed by the Chief of Police to be dangerous, fierce or vicious, and cannot safely be taken up and impounded, may be slain by the Police Department. It shall be the duty of the Police Department to forthwith deliver the head of such slain dog to the State Department of Public Health.

**13.06 INJURY BY DOGS.** Any dog, which bites a person or so injures any person as to cause an abrasion of the skin is hereby declared to be a nuisance; provided however, that the injured person must substantiate the injury with a professional medical report. The owner or keeper of any dog, when notified that such dog has so injured any person, shall not sell or give away such dog or permit

such dog to be taken beyond the limits of the village without authorization from the Chief of Police. It shall be the duty of such owner or keeper, upon receiving notice of the character aforesaid, to place such dog in a licensed animal hospital within 24 hours of such notification. Such dog shall be so confined for a period of 10 days. The owner or keeper shall notify the Police Department of the name and location of such animal hospital. If any dog, which has injured a person, is not voluntarily impounded by the owner or keeper, such dog shall be taken up and impounded by the Police Department for a period of 10 days.

**13.07 RABIES.** Any dog suffering from rabies is hereby declared to be a nuisance. It shall be the duty of the owner or keeper to immediately impound or destroy such dog upon order of the Chief of Police. Any dog suffering from rabies, which cannot safely be taken up and impounded, shall be slain by the Police Department.

**13.08 DOGS ON LEASH.** All dogs, while on any street, public way or private premises other than the premises of the owner, agent or keeper, shall be led by a chain or leash not exceeding 6 feet in length in such a manner as to prevent such dog from biting or otherwise injuring any person or animal. Nothing in this chapter shall be interpreted to require the leashing of any dog while on the private premises of the owner, agent of the owner or keeper except as provided in Section 13.05.

**13.09 DOGS IN PUBLIC PLACES.** *(Ord. 1995-11)*

(a) No dog shall be permitted, even though on a leash or carried, to enter any of the following places or areas:

1. Any restaurant, food establishment, office, store, market or confectionery shop during the time such establishment is open for public business;
2. School ground or church ground;
3. This section shall not apply to dogs assisting physically challenged persons or utilized by police agencies.

(b) It shall be unlawful for any person owning, keeping or otherwise having possession or control of a dog to walk said dog in or upon any public way or other public place in the Village without having on his person sufficient equipment to remove from the public way or other public place any dog litter which may be deposited by said dog.

(c) It shall be unlawful for any person owning, keeping or otherwise having possession or control of a dog to allow said dog to deposit any litter upon any public way or other public place in the Village or upon any private property not-owned by that person unless that person has the permission of the owner of the property or immediately removes said dog litter from the property.

(d) Any person violating or failing to comply with any provision of this section, upon conviction thereof shall be fined not less than \$25 nor more than \$500. Each day that a violation continues shall be deemed a separate offense.

**13.10 LIVESTOCK AND POULTRY.** It shall be unlawful for any person to keep or raise any cattle, hogs, sheep, horses, chickens, ducks, geese, or other livestock or poultry within the corporate limits of the village.

**13.11 CRUELTY TO ANIMALS.** No person shall cruelly treat any animal in the village in any way, and no person shall inhumanly beat, underfeed, overload or abandon any animal.

**13.12 DANGEROUS ANIMALS.** No person shall permit any dangerous animal or any vicious animal to run at large within the village. Exhibitions or parades of animals, which are feral nature in the eyes of the law, may be conducted only pursuant to a permit of the Board of Trustees.

**13.13 NOISY ANIMALS.** No person shall harbor or keep any animal, which disturbs the peace by loud noises at any time of the day or night.

**CHAPTER 14**  
**OFFENSES AGAINST PUBLIC PEACE,**  
**SAFETY AND MORALS**

- 14.01 Disorderly Conduct (*Ord. 2019-28*)
- 14.02 Resisting Officer
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**14.01 DISORDERLY CONDUCT.** No person shall engage in disorderly conduct in the village. Any of the following acts constitute disorderly conduct:

- (a) Making, aiding or assisting in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace or doing any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace.
- (b) Assaulting, striking or deliberately injuring another person.
- (c) Engaging in or aiding or abetting any fight, quarrel or other disturbance.
- (d) Disturbing any religious service, funeral, public or private meeting, place of amusement, or assembly of persons.

(e) Collecting in crowds for unlawful purposes or for any purpose to the annoyance or disturbance of other persons.

(f) Loitering continuously in public places, or being idle, or being dissolute, or going about begging.

(g) Being intoxicated in public places, or in any place to the annoyance and disturbance of other persons.

(h) Resisting or obstructing the performance of one known to be a police officer or any authorized act within the police officer's official capacity; or impersonating a police officer.

(i) Assisting any person in custody of police to escape or furnishing any weapon, drugs, liquor to any such person.

(j) Assembling with two or more other persons for the purpose of using force or violence to disturb the public peace.

(k) Failing to obey a lawful order of dispersal by a person known to be a peace officer, where three or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm.

(l) Lodging in or being in out-houses, sheds, barns, stables or unoccupied buildings, or being a vagrant.

(m) Engaging in any fraudulent scheme, device or trick to obtain money or other valuable thing, or the practice of fortune telling, palmistry, card reading, astrology, clairvoyance or other scheme to obtain money or other value.

(n) Giving any false alarm of fire, danger or disturbance to any person, or false information to any peace officer or fireman or any village officer, including:

1. Transmitting in any manner to any Fire Department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
2. Transmitting in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
3. Transmitting in any manner to any member of the Police Department, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed.

(o) Entering upon the property of another and for a lewd or unlawful purpose deliberately looking into dwelling on the property through any window or other opening in it.

(p) Possessing cannabis, which includes marijuana, hashish and other substances, which are identified as including any part of the plant cannabis sativa in violation of the Cannabis Regulation and Tax Act (P.A. 101-0027). (*Ord. 2019-28*)

(q) Making a telephone call with intent to annoy another, whether or not conversation ensues.

(r) Engaging in obscene or indecent activities or entertainment, or any lewd or lascivious behavior, or appearing in public in a state of nudity, including, but not limited to, owning or operating an obscene establishment or promoting obscene materials, as the same are defined and to the extent are declared a nuisance in Chapter 12, Section 12.02(b)14.

(s) Maintaining or being in houses of ill fame or gaming houses, or engaging in or soliciting unlawful sexual actions.

(t) Using any obscene, profane, threatening or inciting language in any public place.

(u) Throwing stones or missiles in public places or at any person or property, or using brandishing or threatening to use any missile or dangerous weapon or object.

(v) Damaging or defacing trees, bushes, gardens, fences, windows, signs, building, monuments, or vehicles or engaging in any acts of vandalism.

(w) Abusing, beating or cruelly injuring any animal or attempting to kill or wound any bird.

**14.02 RESISTING OFFICER.** No person shall resist any member of the police force in the discharge of his duties, or shall in any way interfere with or prevent or hinder him in the discharge of his duty as such member, or shall offer or endeavor to do so, or assist any person in the custody of any member of the police force to escape or attempt to escape from such custody, or attempt to rescue any person in such custody.

**14.03 ASSAULT.**

(a) A person commits assault when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

(b) No person shall commit an assault in the village.

**14.04 BATTERY.**

(a) A person commits battery if he intentionally or knowingly without legal justification and by any means:

1. Causes bodily harm to an individual; or
2. Makes physical contact of an insulting or provoking nature with an individual.

(b) No person shall commit a battery in the village.

**14.05 LOAFING ON STREET CORNERS, PUBLIC PLACES.** No person shall obstruct or encumber any street corner or other public place by lounging in or about the same after being requested to move on by any police officer.

**14.06 THEFT.**

- (a) Defined. A person commits theft when he knowingly:
1. Obtains or exerts unauthorized control over property of the owner; or
  2. Obtains by deception control over property of the owner; or
  3. Obtains by threat control over property of the owner; or
  4. Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and
    - (i) Intends to deprive the owner permanently of the use or benefit of the property; or
    - (ii) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or
    - (iii) Uses, conceals or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
- (b) No person shall commit theft in the village.

**14.07 CARRYING CONCEALED WEAPONS RESTRICTED.** Unless explicitly authorized by law, no person shall carry concealed on or about his person a pistol, revolver, blackjack, slingshot, sand-club, sandbag, metal knuckles, bludgeon, or other firearm, or carry or conceal the same in any case, package, or have the same in or about any automobile or other vehicle. This provision does not apply to Police officers while engaged in the discharge of their official duties. *(Ord. 2014-13)*

**14.08 PROHIBITED WEAPONS.** Unless explicitly authorized by law, no person shall carry or possess or sell, loan or give to any person any blackjack, slingshot, sand-club, sandbag, metal knuckles, bludgeon, or carry or possess with intent to use the same unlawfully against another, a dagger, dirk, bill, dangerous knife, razor, stiletto, switchblade knife, or any other dangerous or deadly weapon or instrument of like character. *(Ord. 2014-13)*

**14.09 FIREARMS.** *(Ord. 2014-14; 2015-10, 2015-12)*

(a) No person shall discharge any firearms, as defined herein, or do any hunting in the village except for police officers acting in the line of duty or any person acting in defense of person(s).

(b) An air rifle, as defined herein, may only be used within the Village corporate limits in accordance with the following guidelines:

1. Air rifles may only be used on any private grounds or in a residence under such circumstances that when the air rifle is fired, discharged or operated it does not endanger persons or property and is used in such a way as to prevent the projectile from passing over any ground or space outside the private grounds or limits of the residence.
2. Except when shooting within a safely constructed and Village approved target range, a person may not discharge any air rifle from or across any street, sidewalk, road, highway, public land or place.
3. A person under the age of 13 may only be in possession of an air rifle while on their own property or in their own residence except if they are with their parent, guardian, adult standing in as Loco Parentis or an instructor to which to person under the age of 13 is a student.
4. A person under the age of 13 may carry an air rifle in public only if it is unloaded and the person is duly enrolled and in good standing of a club team, society, or organization for educational purposes and then only if the facility has a supervising adult on the premises.

(c) The reference to “firearm” herein shall have the meaning ascribed to it in section 1.1 of the Firearm Owners Identification Card Act, 430 ILCS 65/1.1.

(d) The reference to “air rifle” herein shall mean and include any air gun, air pistol, spring gun, spring pistol, BB gun, paint ball gun, pellet gun or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors, or a pellet constructed of hard plastic, steel lead or other hard materials with a force that reasonably is expected to cause bodily harm.

**14.10 FIREWORKS.** No person shall sell, offer for sale, use or explode any fireworks in the village except the Board of Trustees may grant a permit for a public display of fireworks under such conditions as it may impose under the provisions of Chapter 127½, Section 128 of the Illinois Revised Statutes.

**14.11 OUTDOOR FIRES.** (*Ord. 2008-7; Ord. 2008-20*)

(a) Prohibited at all times:

1. Burning of manure, garbage, litter, construction debris, etc. on any property within the Village. Burning of landscape waste within 100 feet of a habitable structure. Burning of landscape waste within 50 feet of a non-habitable structure.
2. Burning on public or private roads, alleys, sidewalks or easements.
3. Burning which creates a visibility hazard on roadways.

(b) Allowed with restrictions:

1. Landscape waste generated on the property may be burned during the months of April, May, October and November, on weekends, only between dawn and dusk. Fires must be 100 feet or more from a habitable structure and 50 feet from a non-habitable structure and supervised by an individual at least 18 years of age. Fires may only be burned when the winds are less than 10 mph and a fire extinguisher, garden hose or water source must be available at the burning site.
2. If the burning site is 500 feet or more from a habitable structure, landscape waste generated on the property may be burned during any month of the year, on any day of the week and at any time of the day.
3. Recreational fires, defined as temporary outdoor fires for warmth, cooking or non-ceremonial purposes and excluding leaves, grass or shrubbery clippings, are allowed between the hours of 7 am and 10 pm *provided* the fire is not larger than 3 feet by 3 feet by 3 feet.

(c) Outdoor burning may be prohibited upon determination by the Police Chief and Fire Chief that such prohibition is necessary for public health and safety. Said prohibition to be effective upon declaration and publication.

(d) Penalty. A person who violates any provision of this Section shall be subject to a fine pursuant to Appendix A of this Code.

**14.12 ELECTRIC AND BARBED WIRE FENCES.** No person shall maintain electric fence or any fence containing barbed wire along or near any public sidewalk. Fences with barbed wire may be used if the barbed wire is more than 6 feet above the ground level.

**14.13 NOISE.** No person shall cause or allow to be caused excessive noise such that said noise annoys and disturbs any reasonable person and causes a breach of the peace. With respect to excessive noise, which occurs as a result of construction work or activity, said noise during the following periods is strictly prohibited:

- (a) Between the hours of 7:00 PM and 7:00 AM of the following day on any day; and
- (b) Sundays; and
- (c) New Year's Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving Day and Christmas Day.
- (e) Exception to the above prohibition on construction activity may be granted in writing, upon good cause shown, by the Village President, Public Works Superintendent or Chief of Police.

**14.14 DAMAGING PROPERTY.** No person shall damage, destroy or deface any public or private property without permission of the owner.

**14.15 LITTERING.** No person shall litter any public or private property with paper or other debris or foreign matter. Any stored or transported materials susceptible to blowing or scattering shall be adequately covered or protected to prevent littering.

**14.16 POLLUTION.** No person shall pollute the air or any water course by excessive discharge of waste products or foreign matter, or contrary to the provisions of the Illinois Environmental Protection Act (Chapter 111½, Section 1001 et seq. Illinois Revised Statutes).

**14.17 THROWING OBJECTS FROM ELEVATED STRUCTURES.** It shall be unlawful to throw, drop or otherwise cause an object to fall from bridges, trestles, overpasses, amusement devices or other elevated structures in the village.

**14.18 DISORDERLY HOUSES.** No person shall, within the village or within three miles of the outer limits of the village, keep, maintain, frequent, or be an inmate of or connected therewith, or contribute to the support of any disorderly house or house of ill fame or assignation, or any place used for the practice of fornication or adultery; or knowingly suffer or permit any house or other premises owned or occupied by him or under his control to be used for any such purposes.

**14.19 OBSCENE MATERIAL.** No person shall exhibit, sell or offer to sell any obscene material as the same is defined in Chapter 12, Section 12.02(b)14.

**14.20 ALCOHOLIC BEVERAGES; POSSESSION AND CONSUMPTION.**

(a) It shall be unlawful to transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken.

(b) No person shall be in a state of intoxication on any street or public place, or in any private house or place to the annoyance of any citizen or person.

**14.20.1 CONSUMPTION OF ALCOHOL BY MINORS.** *(Ord. 2000-16)*

(a) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service.

(b) Any person shall be subject to the penalties of this ordinance where he or she knowingly permits a gathering at a residence which he or she occupies of two or more persons where any one or more of the persons is under 18 years of age and the following factors also apply:

1. The person occupying the residence knows that any such person under the age of 18 is in possession of or is consuming any alcoholic beverage; and the person occupying the residence knows of the person under the age of 18 leaves the residence in an intoxicated condition; and the possession or consumption of the alcohol by the person under 18 is not otherwise permitted by state or municipal law; and
2. The possession or consumption of alcohol by the person under 18 is not otherwise permitted by law; and
3. The person occupying the residence knows that the person under the age of 18 leaves the residence in an intoxicated condition.

For purposes of this subsection (b) where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee.

(c) Purchase or acceptance by persons of non-age:

1. Any person under the age of 21 years shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his possession;
2. The consumption of alcoholic liquor by any person under the age of 21 years is forbidden;
3. Any person under the age of 21 years who presents or offer's to any licensee, his agent or employee, any written, printed or photo static evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage or who has in his possession any false or fraudulent written, printed, or photo static evidence of age and identity is subject to the penalties of this Section.
4. Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway or in any public place or in any place open to the public is subject to the penalties of this Section. This does not apply to possession by a person under the age of 21 years who is 18 years of age or older in pursuance of his or her employment.

(d) Penalty. Any person convicted of an offense under this Section shall be subject to a fine pursuant to Appendix A of this Code. (Ord. 2012-07)

#### **14.20.2 SOCIAL HOSTING.** (Ord. 2022-08)

(a) Definitions: For the purposes of this Section 14.20.2, the terms herein are defined as follows:

Alcohol: ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

Alcoholic Beverage: alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

Conveyance: any vehicle, trailer or container operated for the transportation of persons or property.

Event or Gathering: any group of two or more persons who have assembled or gathered together for a social occasion or other activity.

Host: to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

Illicit Drug: any drug, substance or compound prohibited by law, as defined in the Illinois Controlled Substance Act, 720 ILCS 570/100 et seq., or the Illinois Cannabis Control Act, 720 ILCS 550/1, et seq., including drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

Parent: any person having legal custody of a juvenile: (i) as a natural, adoptive parent, or stepparent; (ii) as a legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.

Public Place: 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, parks, businesses or parking lots.

Religious Ceremony: the possession, consumption and dispensation of alcohol or an alcoholic beverage for the purpose of conducting any bona fide rite or religious ceremony.

Residence or Premises: any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

Underage Individual: any individual under twenty-one years of age.

(b) It is hereby declared to be a public nuisance and unlawful for any person to permit, allow, or host an event or gathering at his or her place of residence or other private property, public place, any other premises under his or her control, or in any conveyance where illicit drugs, alcohol or alcoholic beverages are consumed by an underage individual, if such person either knows or reasonably should know that an underage individual is consuming any illicit drugs, alcohol or alcoholic beverages. For purposes of this Section 14.20.2:

1. A person who permits, allows or hosts an event or gathering shall be deemed to have known or should have known that an underage individual is consuming illicit drugs, alcohol or alcoholic beverages if the person is not taking all reasonable steps to prevent the consumption of illicit drugs, alcohol or alcoholic beverages by underage individuals in the person's residence or on the premises;
2. A person who permits, allows, or hosts an event or gathering shall be rebuttably presumed to have known or reasonably should have known that underage individuals have consumed illicit drugs, alcohol or alcoholic beverages if such person is present at the premises of the event or gathering at the time any underage individual consumes illicit drugs, alcohol or alcoholic beverages.
3. A person who hosts an event or gathering does not have to be present at the event or gathering to be liable under this chapter.

- (c) A person is not in violation of this Section 14.20.2 if:
1. The conduct involving the use of alcoholic beverages by an underage individual occurs at a religious ceremony or exclusively between an underage individual and his or her parent or legal guardian, as permitted by Illinois state law; or
  2. The person seeks assistance from the police department or other law enforcement agency to remove any underage individual who refuses to abide by the person's performance of the duties imposed by this section, or terminate the event or gathering because the person has been unable to prevent underage individuals from consuming illicit drugs, alcohol or alcoholic beverages despite having taken all reasonable steps to do so, as long as such request is made before any other person makes a complaint about the event or gathering.
- (d) Any person who violates Section 14.20.2 shall be fined \$750.00 for each violation.

**14.21 CURFEW FOR MINORS.** *(Ord. 2004-3; 2008-11)*

- (a) It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building, place, street or highway at the following times:
1. Friday from 12 midnight to 6:00 a.m. Saturday;
  2. Saturday from 12 midnight to 6:00 a.m. Sunday;
  3. Sunday from 11 p.m. to 6 a.m. Monday;
  4. Monday through Thursday from 11 p.m. to 6 a.m. of the following day.
- (b) It shall not be a violation under this Chapter if the child engaged in the prohibited conduct was:
1. Engaged in a business or occupation which the laws of the State of Illinois authorize a person less than 17 years of age to perform.
  2. Accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least 18 years of age;
  3. Accompanied by an adult at least 18 years of age who has been approved by the child's parent, guardian or custodian.
  4. Participating in, going to or returning from:
    - (i) employment which the laws of this state authorize a person less than 17 years of age to perform;
    - (ii) a school recreational activity;

- (iii) a religious event;
- (iv) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
- (v) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both;
- (vi) an activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.

A citation for violation of subsection (a) of this Section may be issued by a Police Officer only if he reasonably believes that a violation has occurred and none of the factors enumerated in subsection (b) apply.

- (c) A person convicted of violation of violating this Section shall be subject to a fine pursuant to Appendix A of this Code. *(Ord. 2012-07)*

**14.22 DRUG PARAPHERNALIA.** *(Ord. 1982-8; 2000-16; 2019-25)*

(a) Definitions. The following words and phrases when used in this Section shall, for the purposes of this Section have the meaning respectively ascribed to them in this Paragraph except where the context clearly indicates a different meaning:

Cocaine Spoon: A spoon with a bowl so small that the primary use for which is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine spoon" or "coke spoon".

Controlled Substance: Any drug, substance, or immediate precursor enumerated in Schedules 1-5, Chapter 56k, PA 79-454 of the Illinois Revised Statutes, as amended (commonly known as the Controlled Substances Act).

Drug Paraphernalia: All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagation, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Schedules 1-5, Chapter 56½, PA 79-454 of the Illinois Revised Statutes, as amended. It includes, but is not limited to:

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substance;

3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
4. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances, used, intended for use, or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, manitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
7. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
8. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
9. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
10. Objects used, intended for use or designed for use in ingesting inhaling, or otherwise introducing cocaine into the human body such as:
  - (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, or punctured metal bowls;
  - (ii) Water pipes;
  - (iii) Carburetor tubes and devices;
  - (iv) Smoking and carburetor masks;
  - (v) Chamber pipes;
  - (vi) Carburetor pipes;
  - (vii) Electric pipes;
  - (viii) Air-driven pipes;
  - (ix) Chillums;
  - (x) Bong;
  - (xi) Ice Pipes or chillers.

11. In determining whether an object is drug paraphernalia, a court order or other authority should consider in addition to all other logical relevant factors, the following:
- (i) Statements by an owner or by anyone in control of the object concerning its use;
  - (ii) Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
  - (iii) The proximity of the object, in time and space to a direct violation of this Act;
  - (iv) The proximity of the object to controlled substance;
  - (v) The existence of any residue of controlled substances on the objects;
  - (vi) Direct or circumstantial evidence of the intent of an owner, or anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Section 14.22; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Section 14.22 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
  - (vii) Instruction, oral or written, provided with the object concerning its use;
  - (viii) Descriptive materials accompanying the object which explain or depict its use;
  - (ix) National and local advertising concerning its use;
  - (x) The manner in which the object is displayed for sale;
  - (xi) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
  - (xii) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
  - (xiii) The existence and scope of legitimate uses for the object in the community;
  - (xiv) Expert testimony concerning its use.

Person: An individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association.

(b) It shall be unlawful for any person to sell, offer for sale, display, furnish, supply or give away any cocaine spoon, or any drug paraphernalia. The prohibition contained in this Section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopaths, physicians, dentists, chiropractors, veterinarians, pharmacists, or embalmers in the normal course of their respective businesses or professions, nor to common carriers or warehousemen or their employees engaged in the lawful transportation of such paraphernalia, nor to public officers or employees while engaged in the performance of their official duties, nor to persons suffering from diabetes, asthma, or any other medical condition requiring self-injection.

(c) Penalty. A person who violates any provision of this Section shall be subject to a fine pursuant to Appendix A of this Code. *(Ord. 2012-07)*

#### **14.23 PARK RULES AND REGULATIONS.** *(Ord. 1995-11; Ord. 2026-01)*

(a) Hours. All Village parks shall be open for public use daily from dawn to dusk, or later when field lighting has been activated by a Village employee or persons or entities expressly authorized by Village permit, signed Village rental agreement, or other written approval issued by the Village. The Board of Trustees may authorize extended or alternative park hours for seasonal activities, special occasions, or events. Except Village employees conducting official Village business or persons or entities expressly authorized by Village permit, signed Village rental agreement, or other written approval issued by the Village, it shall be unlawful for any person to occupy or be present in any Village park at any time the park is not open for public use. Any section or part of the park may be declared closed to the public by the President or his/her designee at any time and for any interval of time either temporarily or at regularly stated intervals.

(b) Group Activity. Whenever any group, association or organization of 100 or more people desires to use the park facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain a permit from the Village. The Village Board shall adopt an application form to be used for park reservations. Said form shall be available from the office of the Village Clerk. Accompanying said application shall be a certificate of insurance. In the event any food is sold, the application shall include a copy of any permit required by McHenry County Health Department. Except for not-for-profit organizations, each application shall be accompanied with a non-refundable permit fee, to be determined from time to time by the Village Board. In the event a permitted activity is rained out, the permit fee shall not be refunded. However, a new date may be reserved without charge, if applied for within 48 hours after the rained out date. Anticipated rain dates shall not be made in advance. No reservations shall be given which conflict with Village sponsored activities.

(c) Alcoholic Liquor. It shall be unlawful for any person to possess or consume any alcoholic liquor in the park except as provided in this Section 14.23. Any person, persons, groups, associations or organizations desiring to possess or consume any alcoholic liquor in the park shall first obtain a permit from the Village for such purposes. The Village Board may adopt an application form to be used for such purposes. For the purpose of this Section 14.23(c), alcoholic liquor is defined in Section 23.01 of the Richmond Municipal Code. Nothing contained in this section shall be deemed to affect in any way the provisions of Section 14.20, Alcoholic Beverages, Possession and Consumption, Section 14.20.1, Consumption of Alcohol by Minors, and Chapter 23, Liquor, of the Richmond Municipal Code or any other ordinance regulating the use of the park.

(d) Rules and Regulations. The following rules and regulations shall govern the usage of the park:

1. Advertisements. No person shall post, stencil or otherwise affix any notice, bill, sign, advertisement or other paper upon any structure, post or tree or other property in the park.
2. Alcoholic Beverages. No alcoholic beverages shall be allowed in the park without a permit. Dram shop insurance shall be required when alcoholic beverages are sold or served. When alcoholic beverages will be sold a Village temporary license permit shall be required pursuant to Section 23.03(c) of the Richmond Municipal Code. A certificate indicating proper insurance coverage must be provided prior to the issuance of a permit or license.
3. Animals. Domesticated animals are permitted provided the animal is leashed and any animal litter deposited by said animal is promptly removed. This subsection shall not apply to dogs assisting physically challenged persons or utilized by a police agency.
4. Conduct. No person shall make or assist in making any improper noise, riot disturbance, breach of silence or diversion tending to a breach of peace in the park.
5. Damage to Property. No person shall mark, deface, injure, destroy, damage, cut, pluck or take away park plantings or property without written approval of the Board of Trustees. No person shall pour or otherwise discharge any substance or chemicals upon the water, grounds or property of the park which are injurious to persons or park property. No person shall climb upon any plant fence, structure or property of the park except such recreational equipment as may be installed for such purpose. There shall be no trespassing on any private property adjacent to park property.
6. Dumping and Littering. No person shall deposit, dump, throw or place coat ashes, dust manure, grass clippings, shavings, dead branches or rubbish in or upon any part of the park. Paper, garbage and refuse matter shall be deposited in receptacles provided for that purpose.
7. Fires. No ground or uncontained fires shall be permitted. Fires are permitted in grills only. Coal must be disposed of properly.
8. Games and Sports. No person shall engage in any activity in a rough or reckless manner so as to endanger, injure or damage others or property.
9. All scheduled and authorized events shall take precedence over any other event or activity.
10. Installation of Property. No plants or equipment shall be installed or planted in the park without the permission of the Board of Trustees.

11. Motor Vehicles. No person shall bring, ride or drive any motorized vehicle in the park other than on service drives or parking lots provided specifically for the use of motorized vehicles except in normal maintenance of park grounds. Exceptions to this are as provided by permit. All persons driving any motorized vehicle within a park in designated areas must be properly licensed by the State of Illinois.
12. Vehicles in violation of a park permit or any unauthorized vehicle found in the park may be immediately towed from the park by the Police Department.
13. Snowmobiles, all-terrain vehicles and dirt bikes are prohibited from the grounds and parking lot of the park.
14. No person may operate any motorized vehicle faster than 10 miles per hour in any parking lot or designated roadway.
15. Parking of cars shall be allowed only in authorized parking lots and only during the hours between dawn and dusk.
16. Public Entertaining. No person or organization shall hold any concert or public entertainment of any kind in the park without proper authorization.
17. Selling. No person shall offer or exchange for sale any article or thing, or do any peddling in the park.
18. Weapons and Fireworks. No person, except authorized personnel, shall bring, carry or use in the park any knives, firearms, air guns, pellet guns, weapons of any kind or any fireworks or other explosive substance.
19. Variations. No variation from these rules and regulations shall be granted without approval by the Board of Trustees.

(e) Penalty: Any person, firm or corporation violating any provision of this Section 14.23 shall be subject to a fine pursuant to Appendix A of this Code. Restitution by the violator shall also be made to any property damaged or destroyed or person injured. The Village reserves the right to terminate a permit in the event any provision of this Section 14.23, or any other ordinance of the Village, is violated. (*Ord. 2012-07*)

**14.24 POSSESSION AND USE OF BIDI CIGARETTES, SMOKING HERBS, TOBACCO ACCESSORIES AND TOBACCO PRODUCTS.** (*Ord. 1998-22; 2000-16; 2010-05*)

(a) Definitions: Terms used in this Section 14.24 are defined as follows:

Bidi cigarette: A product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Illinois Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf.

Smoking herbs: All substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura

genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

Smokeless tobacco: Any finely cut, ground, powdered or leaf tobacco that is intended to be placed in the oral cavity; any tobacco product that is suitable for dipping or chewing.

Tobacco accessories: Cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute or of substances whose sale, gift, barter or exchange is unlawful.

Tobacco products: Cigars, cigarettes, smokeless tobacco or tobacco, or e-cigarettes. *(Ord. 2019-12)*

(b) Purchase and Use of Tobacco Prohibited:

1. No person under 21 years of age shall purchase any tobacco products in any of its forms. No person shall sell, purchase for, distribute samples of or furnish any tobacco product in any of its forms to any person under 21 years of age. Tobacco products may be sold through a vending machine only when such tobacco products are not sold along with non-tobacco products in the vending machine and only in the following locations: *(Ord. 2019-12)*
  - (i) Factories, businesses, offices, private clubs and other places not open to the general public.
  - (ii) Places to which persons under 21 years of age are not permitted access. *(Ord. 2019-12)*
  - (iii) Places where alcoholic beverages are sold and consumed on the premises.
  - (iv) Places where the vending machine is under the direct supervision (which means that the owner or employee has an unimpeded line of sight to the vending machine) of the owner of the establishment or an employee over 21 years of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. *(Ord. 2019-12)*
  - (v) Places where the vending machine can only be operated by the owner or an employee over age 21 either directly or through a remote control device if the device is inaccessible to all customers. *(Ord. 2019-12)*
2. Penalty: Any person violating any provision of this Section 14.24(b) is guilty of a petty offense and shall be fined pursuant to Appendix A of this Code. In addition, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees. *(Ord. 2012-07)*

(c) Possession of Tobacco Products:

1. No person under 21 years of age shall possess any tobacco product in any of its forms. *(Ord. 2019-12)*
2. Penalty: If a minor violates this Section 14.24(c) the minor shall be guilty of a petty offense and may be fined pursuant to Appendix A of this Code. For any violation, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees. *(Ord. 2012-07)*

(d) Tobacco Accessories and Smoking Herbs:

1. Sale to Minors Prohibited: No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered or given away tobacco accessories or smoking herbs to any person under 21 years of age. *(Ord. 2019-12)*
2. Sale of Bidi Cigarettes: No person shall knowingly sell, barter, exchange, deliver or give away a bidi cigarette to another person, nor shall a person cause or permit or procure a bidi cigarette to be sold, bartered, exchanged, delivered or given away to another person.
3. Sale of Cigarette Paper: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away except from premises or an establishment where other tobacco products are sold.
4. Sale of Cigarette Paper from Vending Machines: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered exchanged, delivered or given away by use of a vending or coin-operated machine or device. For purposes of this Section 14.24(d)(4), cigarette paper shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act (35 ILCS 130/1 *et seq.*) or the Cigarette Use Tax Act (35 ILCS 135/1 *et seq.*).
5. Use of Identification Cards: No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter or deface an identification card.
6. Warning to Minors: Any person, firm, partnership, company or corporation operating a place of business where tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign which there shall be imprinted the following statement: SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 21 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW. The sign shall be printed on a white card in red letters at least one-half inch in height. *(Ord. 2019-12)*
7. Penalty:
  - (i) Except for Section 43-15-D2, any person who knowingly violates or

shall knowingly cause the violation of any provision of this Section 14.24(d) shall be guilty of a Class C misdemeanor and shall be fined pursuant to 730 ILCS 5/5-4.5-65(e). The violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees.

- (ii) Any person who knowingly violates or shall knowingly cause the violation of Section 14.24(d)(2) shall be guilty of a petty offense for which the offender shall be fined pursuant to Appendix A of this Code. In addition, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees. *(Ord. 2012-07)*

(e) Minimum Age to Sell Tobacco Products. It shall be unlawful for any registered business or any officer, associate, member, representative, agent or employee of such registered business to engage, employ or permit any person under 21 years of age to sell tobacco products in any registered premises. *(Ord. 2019-12)*

(f) Proximity to Certain Institutions. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within 100 feet of any school, child-care facility.

(g) Certain Free Distributions Prohibited. It shall be unlawful for any registered business or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such registered business or person, in the course of such registered business' or person's business, to distribute, give away or deliver tobacco products or promotional or advertising materials of tobacco products free of charge to any person on any right of way, park, playground or other property owned by the Village, any school district, any park district or any public library.

(h) Vending Machines; Locking Devices:

1. It shall be unlawful for any registered business to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine, unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the registered business so as to prevent its operation by persons under the age of 21 years. *(Ord. 2019-12)*
2. Any premises where access by persons under the age of 21 years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of businesses located at such premises, shall be exempt from the requirements of this Section. *(Ord. 2019-12)*
3. A registered business violating this Section 14.24(h) shall be subject to the hearing provisions in Section 21.12 of the Richmond Village Code.
4. Use of Premises after Revocation: When any registration has been revoked for any cause, the business establishment shall not be eligible for registration for a period of 6 months thereafter for the conduct of the business of selling tobacco products in the premises described in such revoked registration.

**14.25 PUBLIC USE OF CANNABIS.** *(Ord. 2019-25)*

(a) No person shall use cannabis in or about any public place or places. As used in this Section 14.25, “public place” means any place where a person could reasonably be expected to be observed by others. “Public place” includes all parts of buildings owned in whole or part, or leased, by the State or the Village.

(b) Whoever violates any provision of this Section shall be fined pursuant to Appendix A of this Code. *(Ord. 2012-07)*

**14.26 AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM.** *(Ord. 2009-12)*

(a) Definitions: Terms used in this Section 14.26 are defined as follows:

Automated traffic law enforcement system: A device within the Village with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a steady or flashing red signal indication in violation of Section 11-306 of the Illinois Vehicle Code (“Code”), 625 ILCS 5/11-306, or similar violation of the Village Municipal Code.

Disregarding a traffic control device: Failure to stop and remain stopped before an intersection that is controlled by a red signal as provided for in Section 11-306 of the Code.

No turn on red: Failure to stop and remain stopped, and not proceeding to turn right at, an intersection controlled by both a sign indicating “No turn on red,” or other similar language, and a red signal as provided for in Section 11-306 of the Code.

Recorded images: Images produced by the automated traffic law enforcement system, which consist of either 2 or more photographs; 2 or more microphotographs; 2 or more electronic images; or, a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

Traffic Compliance Administrator: The person appointed as such through Article 25 of the Code and shall have the following additional powers: adopt, distribute and process automated traffic law violation notices and other notices required by this Article, collect money paid as fines and penalties, operate the automated traffic law enforcement system, and make certified reports to the Secretary of State as required by this Article.

(b) Violations. It shall be a violation of this Article for a vehicle to disregard a traffic control device or turn on red in violation of Section 11-306 of the Code.

(c) Defenses. The following may be considered defenses by the Hearing Officer for a violation of Section 14.26(b):

1. That the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred, and not under the control of or in the possession of the owner at the time of the violation;
2. That the driver of the vehicle passed through the intersection when the light was red either:

- (i) In order to yield the right-of-way to an emergency vehicle, or
- (ii) As part of a funeral procession.

To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(d) Notice of violation. When the automated traffic law enforcement system records a motor vehicle entering an intersection in violation of Section 14.26(b), the Village shall issue a written Notice of Violation to the registered owner or lessee of the vehicle, which shall be delivered by U.S. mail within 30 days after the Illinois Secretary of State notifies the Village of the identity of the registered owner or lessee of the vehicle, and in no event later than 90 days following the violation. The Village shall only be required to notify a lessee if the leasing company/lessor provides the lessee's name by an affidavit and a copy of the lease within 60 days of the notice's issuance. If the driver information is not provided within 60 days, the leasing company/lessor may be found liable. If any notice to an address is returned as undeliverable, a second notice shall be sent to the last known address recorded in a United States Post Office approved database of the owner or lessee of the cited vehicle. The second notice shall be made by first class mail postage prepaid.

A Notice of Violation associated with an automated traffic law violation shall require a review of the associated recorded image by the Traffic Compliance Administrator, who shall inspect the image and determine whether the motor vehicle was being operated in violation of Section 14.26(b), or whether one of the defenses enumerated in Section 14.26(c) is visibly applicable upon inspection. Upon determination that the recorded image captures a violation and that no defense applies, the notice of violation shall be served upon the registered vehicle owner in the manner provided for above. The Traffic Compliance Administrator shall retain a copy of all violation notices, recorded images and other correspondence mailed to the owner of the vehicle. Each Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of the above-noted statutory and local provisions and shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in this Article.

The Notice of Violation shall include the following information:

1. The name and address of the registered owner or lessee of the vehicle, as indicated by the records of the Secretary of State, or, if such information is outdated or unattainable, then the last known address recorded in a United States Post Office approved database; and
2. The make (only if discernable) and registration number of the motor vehicle involved in the violation; and
3. The violation charged; and
4. The location where the violation occurred; and
5. The date and time of the violation; and
6. A copy of the recorded images; and

7. The amount of the civil penalty and the date by which the penalty should be paid (21 days from the date of issuance), if a hearing is not requested, and a statement that the payment of the fine shall operate as a final disposition of the violation; and
8. A statement that a failure to pay the civil penalty by the date noted may result in an additional late fee being assessed against the owner or lessee; and
9. The amount of the late fee; and
10. A statement that the failure to pay by the date specified will result in a final determination of liability and may result in the suspension of driving privileges for the registered owner of the vehicle; and
11. A statement that the recorded images constitute prima facie evidence of a violation; and
12. A statement that the person may elect to proceed by paying the fine or challenging the charge in court, by mail or by administrative hearing; and
13. A statement of how an administrative hearing may be requested.

(e) Hearing. The owner of a vehicle being operated in violation of Section 14.26(b) may request a hearing by the respond-by date on the Notice of Violation (21 days from the date of issuance), to challenge the evidence or set forth an applicable defense. The Notice of Violation shall constitute evidence of the facts contained in the notice and is admissible in any proceeding alleging a violation of Section 14.26(b). The Notice of Violation shall be *prima facie* evidence of a violation, subject to rebuttal on the basis of the defenses established in Section 14.26(c).

The owner's failure to appear at the hearing will result in a finding of liability. In the event of a failure to appear, a "Findings, Decision and Order" letter will be sent to the owner. The owner's failure to pay the amount by the date specified in that letter will result in a final determination.

(f) Non-Residents. Where the registered owner or lessee of the cited vehicle is not a resident of the Village but seeks to contest the merits of the alleged violation, such person may contest the charges using the same available defenses as stated above, but rather than attend the administrative hearing, they may submit any and all documentary evidence to the Traffic Compliance Administrator no later than the hearing date, together with a written statement reflecting that they are Non-Residents of the Village. The Traffic Compliance Administrator shall forward all timely-submitted materials to the Hearing Officer for review and determination.

(g) Final Determination. A Final Determination of violation liability shall occur following failure to pay the fine, a failure to request a hearing by the respond-by date, after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by the Village Municipal Code. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination shall become final upon a failure to pay the amount owed on date provided in the "Findings, Decision and Order" letter. Appeal may be made to the Circuit Court of McHenry County on any final determination as provided for by the Administrative Review Act.

(h) Notice of Determination of Liability. If the registered owner fails to pay or contest the Notice of Violation within 21 days a Notice of Determination of Liability will be sent to the owner indicating that a fine in the amount of \$100 is due to the Village. The notice will also state that the owner can petition the Village to set aside the determination of liability before it becomes final. If the owner does not pay the \$100 as specified in the notice or petition the Village to set aside the determination, within 21 days, a Notice of Final Determination will be sent to the owner indicating that the owner has exhausted all challenge options and the \$100 fine is a debt due and owing to the Village and must be paid within 14 days. The owner will also be notified that the failure to pay the \$100 fine within 14 days will result in a late fee of \$100 added to the original fine.

(i) Notice of Final Determination. A Notice of Final Determination shall be sent following the final determination of automated traffic law violation liability and the conclusion of judicial review. The Notice of Final Determination shall include the following information:

1. A statement that the unpaid fine is a debt due and owing to the Village a warning that a failure to pay any fine due and owing to the Village of Richmond within 14 days may result in a petition to the Circuit Court of McHenry County to have the unpaid fine rendered as a judgment or may result in the suspension of the person's drivers license for failure to pay fines or penalties for 5 or more violation under this Article.

(j) Petitions to Set Aside Determination. A Petition to Set Aside Determination of an automated traffic law violation must be filed with or mailed to the Traffic Control Administrator within 14 days of the date of mailing of the Notice of Determination of Liability. The grounds for the petition are limited to:

1. The person was not the owner or lessee of the cited vehicle on the date of the violation notice was issued; and
2. The person having already paid the fine for the violation in question; and
3. Excusable failure to appear at or request a new date for a hearing.

Upon receipt of a timely petition to set aside the determination of liability, the Hearing Officer shall review the petition to determine if cause has been shown to set aside the determination. If cause has been shown, the Village shall forward the petitioner a new hearing date on which the petitioner must appear to present his case. The Village shall notify the petitioner of the Hearing Officer's decision to grant a hearing or deny the petition within 14 days of the Village's receipt.

(k) Notice of Impending Driver's License Suspension. A Notice of Impending Driver's License Suspension shall be sent to the person liable for any fine or penalty that remains due and owing on 5 or more violations of this Article. The Notice of Impending Driver's License Suspension shall state the following information:

1. The failure to pay the fine owing within 45 days of the notice's date will result in the Village notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of the Code;
2. A statement that the person may obtain a copy of the original ticket imposing a

fine by sending a self-addressed, stamped envelope to the Village along with a request for the copy.

The Notice of Impending Drivers License Suspension shall be sent by first class mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(l) Driver's License Suspension. The Traffic Compliance Administrator, by certified report, may request that the Secretary of State suspend the driving privileges of an owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of 5 automated traffic violations. The report shall be certified and contain the following:

1. The name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States post office approved database if any notice sent under this Article is returned as undeliverable, and driver's license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in a state;
2. The name of the municipality making the report pursuant to this section; and
3. A statement that a Notice of Impending Driver's License Suspension has been sent to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice sent under this Article is returned as undeliverable at the last known address recorded at a United States Post office approved database; the date on which such notice was sent; and address to which such notice was sent.

The Traffic Compliance Administrator shall notify the Secretary of State whenever a person named in the certified report has paid the previously recorded fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein.

Any person receiving notice from the Secretary of State that their driving privileges may be suspended at the end of a specified period may challenge the accuracy of the certified report prepared by the Traffic Compliance Administrator. The person shall, within 7 days after having received notice from the Secretary of State, request an opportunity to speak with the Traffic Compliance Administrator to challenge the accuracy of the certified report. If the Traffic Compliance Administrator determines that the original report was in error due to the fact that the person challenging the report was not the owner or lessee of the vehicle or that the person has already paid their fine for the 5 or more automated traffic violations, the Traffic Compliance Administrator shall immediately notify the Secretary of State of such error in a subsequent certified report.

(m) Penalty. Any person violating Section 14.26 shall be fined pursuant to Appendix A of this Code. Failure to pay the original fine within 14 days of the issuance of the Notice of Final Determination shall result in a late payment fine. *(Ord. 2012-07)*

**14.27 TRUANCY.** *(Ord. 2012-04)*

(a) For purposes of this Section, the term “truant” is (1) any person between the ages of 7 and 16 who is subject to compulsory school attendance and who is absent, without valid cause, from school attendance during a regular school day or any portion thereof or during a required summer school program established pursuant to 105 ILCS 5/10-22.33B; and (2) any person who is 16, 17 or 18 years of age and enrolled in a public school and who is absent, without valid cause, from school attendance during a regular school day or any portion thereof or during a required summer school program.

The following children are not considered truant:

1. Any child attending a private or parochial school where children are taught the branches of education taught to children or corresponding age and grade in the public schools, and where the instruction of the child in the branches of education is in the English language;
2. Any child who is not enrolled in a public school and is instructed by a legal guardian in a manner equal or superior to that obtainable in the public schools;
3. Any child who is physically or mentally unable to attend school, such disability being certified to either the Richmond-Burton Community School District 157 (“school district”) truancy officer or the McHenry County Regional Office of Education truancy officer, by a licensed physician or by a Christian Science practitioner residing in Illinois and listed with the Christian Science Journal; or who is excused for temporary absence for cause by the principal or teacher of the school which the child attends. The exemptions in this Section do not apply to any female who is pregnant or the mother of one or more children, except where a female is unable to attend school due to a complication arising from her pregnancy and the existence of such complication is certified to the school district truancy officer or McHenry County Regional Office of Education truancy officer by a competent physician;
4. Any child necessarily and lawfully employed according to the provisions of the law regulating child labor may be excused from attendance at school by the school district Superintendent of Schools or by the Regional Superintendent of Schools, on certification of the facts by and the recommendation of the school district Board of Education. If a part-time continuation school is run in the school district, children so excused shall attend the continuation school at least 8 hours each week;
5. Any child over 12 and under 14 years of age while in attendance at confirmation classes;
6. Any child absent from school on a particular day or days or at a particular time of day for the reason that s/he is unable to attend classes or to participate in any examination, study or work requirements on a particular day or days or at a particular time of day, because the tenets of his/her religion forbid secular activity on a particular day or days or at a particular time of day; and
7. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absenting himself or herself from school without parental or legal guardian permission shall not constitute truancy if permission

for such absence has been obtained from the parent or legal guardian and such permission is submitted to the proper school authorities within 24 hours of such absence.

(b) Truancy Prohibited: Upon a complaint signed by an authorized school district official, it shall be unlawful for any person to be truant. Any person who is truant shall be guilty of the offense of truancy and be subject to the penalties hereinafter set forth in this Section.

(c) Permitting Minor to be Truant Prohibited: It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his or her custody or control to violate this Section.

(d) Penalty: Upon a complaint being signed by an authorized school district official, any person, firm or corporation violating any provision of this Section shall be pursuant to Appendix A of this Code.

#### **14.28 CYBERSTALKING.** *(Ord. 2012-07)*

(a) Definitions: The following words and phrases when used in this Section shall have the meanings respectfully ascribed to them below:

1. Course of conduct. Course of conduct means two or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.
2. Electronic communication. Electronic communication means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. Electronic communication includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer or pager, which communication includes, but is not limited to, e-mail, instant message, and text message or voice mail.
3. Emotional distress. Emotional distress means significant mental suffering, anxiety or alarm.
4. Family member. Family member includes spouses, former spouses, parents, children, stepchildren, siblings and other persons related by blood or by present or prior marriage.
5. Harass. Harass means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments or terrorizes that person.
6. Non-consensual contact. Non-consensual contact means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on

private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased or occupied by the victim.

7. Reasonable person. Reasonable person means a person in the victim's circumstances, with the victim's knowledge of the defendant and the defendant's prior acts.
8. Third party. Third party means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

(b) Cyberstalking Prohibited: The offense of cyberstalking is prohibited.

1. A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:
  - (i) Fear for his or her safety or the safety of a third person; or
  - (ii) Suffer other emotional distress.
2. A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least two separate occasions, harasses another person through the use of electronic communication and:
  - (i) At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or
  - (ii) Places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint; or
  - (iii) At any time knowingly solicits the commission of an act by any person which would be a violation of the Criminal Code of 1961 (720 ILCS 5/1-1 *et seq.*) directed towards that person or a family member of that person.
3. A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:
  - (i) Which communicates a threat of immediate or future bodily harm, sexual assault, confinement or restraint, where the threat is directed towards that person or a family member of that person, or
  - (ii) Which places that person or a family member of that person in

reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint, or

- (iii) Which knowingly solicits the commission of an act by any person which would be a violation of the Criminal Code of 1961 (720 ILCS 5/1-1 *et seq.*) directed towards that person or a family member of that person.

(c) Telecommunications Providers: Telecommunications carriers, commercial mobile service providers and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services or information services used by others in violation of this Section.

(d) Accountability: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in 720 ILCS 5/5-1 *et seq.*, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(e) Penalty: Any person committing a violation of this section shall be subject a penalty pursuant to Appendix A of this Code.

#### **14.29 HARASSMENT.** (*Ord. 2012-07*)

(a) Definitions: The following words and phrases when used in this Section shall have the meanings respectfully ascribed to them below:

1. Electronic communication. Electronic communication means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, and electromagnetic, photoelectric or photo-optical system. Electronic communication includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer or pager, which communication includes, but is not limited to, e-mail, instant message, and text message or voice mail.
2. Family or household member. Family or household member includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Section, neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.

(b) Harassment Prohibited: Harassment of any person by electronic communication is prohibited.

1. A person commits harassment by electronic communication when he uses electronic communication for any of the following purposes:

- (i) Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
  - (ii) Interrupting, with the intent to harass, the telephone service or the electronic communication service of any person;
  - (iii) Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document or other communication which prevents that person from using his or her telephone service or electronic communications device;
  - (iv) Transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense;
  - (v) Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or
  - (vi) Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this Section.
2. A person commits harassment by electronic communication when he or she sends messages or uses language or terms which are obscene, lewd or immoral with the intent to offend by means of or while using a telephone or telegraph facilities, equipment or wires of any person, firm or corporation engaged in the transmission of news or messages between states or within the State of Illinois is guilty of a Class B misdemeanor. The use of language or terms which are obscene, lewd or immoral is prima facie evidence of the intent to offend.
3. A person commits harassment by electronic communication when he or she uses the telephone for any of the following purposes:
- (i) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend; or
  - (ii) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number; or
  - (iii) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number; or
  - (iv) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or
  - (v) Making a telephone call or knowingly inducing a person to make a

telephone call for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense; or

- (vi) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

(c) Telecommunications Providers: Telecommunications carriers, commercial mobile service providers and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services or information services used by others in violation of this Section.

(d) Accountability: A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in 720 ILCS 5/5-1 *et seq.*, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(e) Penalty: Any person committing a violation of this Section shall be subject a penalty pursuant to Appendix A of this Code.

## CHAPTER 15 TRAFFIC

- 15.01 Traffic Regulations
- 15.02 Use of Mechanical Exhaust Devices for Braking
- 15.03 Snow and Ice Removal *(Ord. 2019-09)*
- 15.04 Reclaimed Vehicles, Expenses *(Ord. 2019-09)*
- 15.05 Roller Skates, Street Skates and Skateboards Regulated *(Ord. 2019-09)*
- 15.06 Parking for Sale or Repair
- 15.07 Parking Places Reserved for Persons with Disabilities *(Ord. 2019-09; 2023-05)*
- 15.08 U-Turns *(Ord. 2019-09)*
- 15.09 Traffic Control Signals *(Ord. 2019-09)*
- 15.10 Speed Limits *(Ord. 2019-09; 2026-03)*
- 15.11 No Parking Zones *(Ord. 2016-23; 2019-09; 2022-16; 2024-03)*
- 15.12 Limited Parking Hours *(Ord. 2019-09; 2025-08; 2026-02)*
- 15.13 Careless Driving *(Ord. 2013-01; 2019-09)*
- 15.14 Stop Intersections *(Ord. 2019-09)*
- 15.15 Vehicle Seizure and Impoundment *(Ord. 2017-07; 2019-09, 2019-25)*
- 15.16 Valet Parking Services *(Ord. 2025-12)*

### **15.01 TRAFFIC REGULATIONS.**

(a) Pursuant to 625 ILCS 5/20-204, the Village hereby adopts and incorporates by reference all paragraphs and sections of the Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*) and the fines and penalty sections of the Unified Code of Corrections, (730 ILCS 5/1-1-1, *et seq.*) as each are amended from time to time. Provided, however, any person found guilty of violating Chapter 15, pars.11-501(a)(1); 11-501(a)(2); 11-501(a)(3); and 11-501(a)(4) shall be fined pursuant to Appendix A of this Code plus a term in jail for less than one year. Any person found liable in the Village's Code Hearing Department of violating an offense not governing the movement of vehicles and which is not reportable under 625 ILCS 5/6-204, shall be fined pursuant to Appendix A of this Code. *(Ord. 2012-07)*

(b) The section numbers used herein shall be identical to those section numbers in the Illinois Vehicle Code preceded by the number 15, in accordance with a directive from the Clerk of the Circuit Court, e.g., sections shall be referenced as Chapter 15, Section 1-100, *et seq.*, as applicable.

### **15.02 USE OF MECHANICAL EXHAUST DEVICES FOR BRAKING.**

(a) No person shall operate or cause to be used or operated within the Village limits any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air, which results in a loud, unusual or explosive noise from such vehicle.

(b) It shall be an affirmative defense that the person operated or caused to be used or operated such mechanical exhaust device in circumstances where it was reasonably necessary to avoid injury or an accident.

### **15.03 SNOW AND ICE REMOVAL.**

The Board of Trustees finds that during periods of heavy snowfall or severe icing conditions the streets of the Village require expeditious snow and ice removal in order to permit vehicular traffic to operate in a safe manner; and that snow and ice removal operations are hindered by vehicles that are parked or stand in the streets during such operations, thereby rendering it difficult to expeditiously remove such snow and ice, and thereby creating a threat to public safety. Therefore, if at any time between the hours of 10 p.m. and 7 a.m. after accumulated snow attains a depth of two inches or more and after the snow has stopped falling or, if snow is still falling but snow removal operations are in process on the street where a vehicle is parked, it shall be unlawful for any person to park any such vehicle on any such street until snow has been removed from the entire and both sides of the block in which such vehicle is parked, or the entire and both sides of the block have been completely treated with ice retardant or ice removal materials, as the case may be. Any vehicle found to be in violation of this Section may be towed away and the cost of such towing or storage shall be paid by the owner or operator of the vehicle. Such payment of towing and storage costs shall be in addition to any fine found in Appendix A of this Code that may be levied upon conviction for violation of this Section. *(Ord. 2019-09)*

#### **15.04 RECLAIMED VEHICLES, EXPENSES.**

Pursuant to 625 ILCS 5/4-207, any vehicle impounded by the Village shall not be released to the owner, lienholder or other person until all towing and storage charges incurred by the Village have been paid. If the Village stores the vehicle on Village property, a storage charge of \$100.00 per day shall be paid to the Village. Additionally, any individual in violation of this Section shall be fined pursuant to Appendix A of this Code. *(Ord. 2019-09)*

#### **15.05 ROLLER SKATES, STREET SKATES AND SKATEBOARDS REGULATED.**

No person shall roller skate or ride a skateboard anywhere within the Village without complying with the terms of this Section. As used herein to roller skate shall mean to skate on any type of roller skates or street skates.

(a) Streets. No person shall roller skate or ride a skateboard in a reckless manner on any public street and no person shall ride a skateboard or roller skate on a street without exercising due care for the safety of other persons using the street. The rules related to pedestrians crossing streets shall apply to persons crossing a street on roller skates or a skateboard. No person crossing a street on roller skates or on a skateboard shall travel too fast for safety of other persons using the crosswalk. No person shall roller skate or ride a skateboard in the downtown commercial district or in the public parking areas. *(Ord. 2007-6)*

(b) Sidewalks. No person shall roller skate or ride a skateboard in a reckless manner on any public sidewalk and no person shall ride a skateboard or roller skate on a sidewalk without exercising due care for the safety of other persons using the sidewalk. No person shall roller skate or ride a skateboard in the downtown commercial district or in the public parking areas. *(Ord. 2007-6)*

(c) Unauthorized use of Private Property and Public Parking Areas. No person shall roller skate or ride a skateboard on privately owned property unless said person shall have the permission of the owner of the property.

(d) Notification. Any person or entity owning or operating a public or private area may notify the police to remove or cause to be removed any person roller skating or skateboarding on their property.

(e) Penalty. Any individual in violation of this Section shall be fined pursuant to Appendix A of this Code. *(Ord. 2019-09)*

**15.06 PARKING FOR SALE OR REPAIR.**

No person shall stand or park a vehicle within any public right of way for the principal purpose of displaying it for sale, as signage, or for washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

**15.07 PARKING PLACES RESERVED FOR PERSONS WITH DISABILITIES.**

*(Ord. 2023-05)*

(a) Parking Prohibitions. The parking of any motor vehicle not bearing registration plates or decals issued to a person with disabilities, as defined in the Illinois Motor Vehicle Code, is prohibited in those locations where signs and pavement markings have been placed pursuant to the Illinois Vehicle Code. *(Ord. 2019-09)*

(b) Penalty. Any person, firm or corporation violating this Section shall be fined pursuant to Appendix A of this Code. *(Ord. 2012-07)*

**15.08 U-TURNS.** *(Ord. 2019-09)*

It shall be unlawful for a driver of any vehicle to turn such vehicle so as to proceed in the opposite direction upon the following streets in the Village:

1. North and Southbound on Main Street (U.S. Route 12) at its intersection with Broadway Street; and
2. On Mill Street east bound at the United States postal service office.

**15.09 TRAFFIC CONTROL SIGNALS.** *(Ord. 2019-09)*

Pursuant to 625 ILCS 5/11-304, traffic control signals are hereby designated at the following intersections of the Village. Stop signs may be employed at such times when the traffic control signals are not in working order:

1. At the intersection of Main Street (U.S. Route 12) and Kenosha Street Illinois Route 173).
2. At the intersection of Main Street (U.S. Route 12), Illinois Route 31 and Tryon Grove Road.

**15.10 SPEED LIMITS.** *(Ord. 2019-09; 2026-03)*

(a) Speed Limits. Except as provided herein, the speed limit for all residential streets in the Village shall be 20 miles per hour. The following speed limits shall be observed on the designated roadways within the Village:

**20 miles per hour**

Broadway Street from East Street to the 6000 block of Broadway Street  
Commercial Street from Liberty Street to Ami Drive

**30 miles per hour**

Ami Drive from Main Street (U.S. Route 12) to the 5900 block of Ami Drive  
 Broadway Street from the 6000 block to the 6100 block of Broadway Street  
 Commercial Street from Ami Drive to Main Street (U.S. Route 12)  
 Main Street (U.S. Route 12) from May Avenue to the 10400 block of Main Street (U.S. Route 12)

**35 miles per hour**

Kenosha Street (Illinois Route 173) from the eastern limits to the 5800 block of Kenosha Street (Illinois Route 173)  
 Main Street (U.S. Route 12) from the 10900 block to the 10400 block of Main Street (U.S. Route 12)  
 Main Street (U.S. Route 12) from May Avenue to Prospect Street

**40 miles per hour**

Broadway Street from the 6100 block to Kenosha Street (Illinois Route 173);  
 Main Street (U.S. Route 12) from Burlington Road to the 10900 block of Main Street (U.S. Route 12)

**45 miles per hour**

Burlington Road from Main Street (U.S. Route 12) to the 11500 block of Burlington Road  
 Kuhn Road from Main Street (U.S. Route 12) to the 4200 block of Kuhn Road  
 Main Street (U.S. Route 12) from the Village’s northern limits to Burlington Road  
 Main Street (U.S. Route 12) from Prospect Street to Hill Road  
 Tryon Grove Road from Main Street (U.S. Route 12) to the 6100 block of Tryon Grove Road  
 Main Street (U.S. Route 12) from Hill Road to Tryon Grove Road

**50 miles per hour**

Main Street (U.S. Route 12) from Tryon Grove Road to the Village’s eastern limits  
 Illinois Route 31 from Main Street (U.S. Route 12) to the 8300 block of Illinois Route 31

**55 miles per hour**

Tryon Grove Road from the 6100 block to the 6500 block

(b) Penalty: The penalty for any violation of this Section shall be in accordance with Section 15.01.

**15.11 NO PARKING ZONES.** *(Ord. 2019-09)*

(a) No person shall permit any vehicle to stand or be parked in any location within the Village where, at the direction of the Village Police Chief, the Village has erected signs, barriers or other devices to prohibit parking.

(b) No person shall permit any vehicle to stand or be parked in any of the following posted locations during the designated times (unless in a striped and designated parking space):  
*(Ord. 2022-16; 2023-17; 2024-03)*

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>HOURS</b>
Main Street (U.S. Route 12), west side	northern Village limits	Mill Street	Anytime

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>HOURS</b>
Main Street (U.S. Route 12), west side	George Street	north line of premises located at 10011 Main Street (U.S. Route 12)	Anytime
Main Street (U.S. Route 12), east side	Kenosha Street (Illinois Route 173)	Mill Street	Anytime
Main Street (U.S. Route 12), east side	northern Village limits	Walnut Street	Anytime
Main Street (U.S. Route 12), east side	George Street	South Street	Anytime
Main Street (U.S. Route 12), both sides	May Avenue	southern Village limits	Anytime
Main Street (U.S. Route 12), both sides	Mill Street	44 feet south of the intersection of the south line of Mill Street and Main Street (U.S. Route 12)	Anytime
Main Street (U.S. Route 12), both sides	Broadway Street	44 feet north of the intersection of the north line of Broadway Street and Main Street (U.S. Route 12)	Anytime
Main Street (U.S. Route 12), both sides	Broadway Street	25 feet south of the intersection of the south line of Broadway Street and Main Street (U.S. Route 12)	Anytime
Main Street (U.S. Route 12), both sides	George Street	28 feet north of the intersection of the north side of George Street and Main Street (U.S. Route 12)	Anytime
George Street, north side	Main Street (U.S. Route 12)	300 feet east of the intersection of Main Street (U.S. Route 12) and George Street	Anytime
Mill Street, both sides	railroad right-of-way	West Street	Anytime
Golden Hawk Road, both sides	Partridge Trail	Main Street (U.S. Route 12)	Anytime
Ami Drive, both sides	Main Street (U.S. Route 12)	Commercial Street	Monday-Friday between 7 a.m. and 5 p.m.
Prospect Street, both sides	Main Street (U.S. Route 12)	Prairie Ridge	Anytime
Hunter Drive, both sides	Main Street (U.S. Route 12)	Prairie Ridge	Anytime
Prairie Ridge, both sides	Hill Road	Valley Drive	Anytime
Valley Drive, both sides	Prairie Ridge	North Lane	Anytime

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>HOURS</b>
East Street, west side	Broadway Street	George Street	Anytime
East Street, both sides	George Street	South Street	Anytime
Milwaukee Street, both sides	William Street	Entrance of Bennett Park	Anytime

(c) Any vehicle found to be in violation of this section may be towed and liability for the cost of such towing and storage shall be joint and several by the owner and operator of the vehicle. Such payment of towing and storage costs shall be in addition to any fine that may be levied, upon conviction, for a violation of this Section pursuant to Appendix A of this Code.

**15.12 LIMITED PARKING HOURS.**

(a) Parking Hours. No person shall permit any vehicle to stand or be parked in any of the following posted locations for more than a (2) two-hour period: *(Ord.2025-08)*

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>2-HOUR PARKING</b>
Main Street (U.S. Route 12), both sides	George Street	Mill Street	Anytime
W. Broadway Street, both sides	Main Street (U.S. Route 12)	MCCD Prairie Trail	Anytime
E. Broadway Street, both sides	Main Street (U.S. Route 12)	East Street	Anytime

(b) All Night Parking. When signs are erected at the entrances of highways into the Village giving notice thereof, no person shall park a vehicle for longer than 30 minutes between the hours of 2 a.m. and 6 a.m. on any day. *(Ord. 2019-09)*

(c) Parking Over 48 Hours. No person shall park any vehicle on any street for a period of more than 48 hours consecutively.

(d) Municipal Parking Lots. The following rules and regulations shall apply to all municipal parking lots:

1. The parking of commercial vehicles shall be prohibited. For purposes of this Section, commercial vehicles are hereby described as vehicles registered under the Illinois Vehicle Code with “B” license plates.
2. No motor vehicle shall be parked in excess of 24 hours, except that overnight parking is permitted for any vehicle displaying a valid Village-issued overnight parking permit. Any vehicle that remains in a municipal parking lot for a period in excess of 48 hours without a valid permit is hereby declared to be an abandoned vehicle and may be towed in accordance with the provisions of the Illinois Motor Vehicle Code, (Chapter 625 ILCS 5/4-202). Overnight parking permits shall be obtained through the Village’s online application process. Any individual in

violation of this Section shall be fined pursuant to Appendix A of this Code. *(Ord. 2012-07; 2026-02)*

3. No person or owner shall park a motor vehicle in a municipal parking lot or within any public right of way for the principal purposes of displaying it for sale, as signage, or for washing, greasing or repairing such vehicle, except repairs necessitated to be an emergency.
4. No motor vehicle defined as “junk vehicle” in accordance with the provisions of Section 12.08 shall be parked at any time in the municipal parking lot. Any and all junked motor vehicles shall be subject to being towed by the Village immediately without notice to the owner and shall be impounded in accordance with the provisions of Section 12.08(e).
5. No motor vehicle commonly used for camping and no camping trailer as defined by the Illinois Vehicle Code shall be parked in a municipal parking lot overnight.
6. No motor vehicle over eight (8) tons (16,000 lbs.) may enter the municipal parking lot, except for permitted authorized vehicles. Any individual in violation of this Section shall be fined pursuant to Appendix A of this Code. *(Ord. 2019-09)*

**15.13 CARELESS DRIVING.** *(Ord. 2013-01; 2019-09)*

It shall be unlawful for any person to drive carelessly within the Village. For purposes of this Section, careless driving is failure to maintain a vehicle under control, exceeding the posted speed limit by more than 10 miles per hours or operating a vehicle in any manner other than as permitted by law. Any person who violates any provision of this Section may have conditions imposed by the court, including but not limited to victim impact panel, attendance at traffic safety school, drug and alcohol substance abuse counseling and payment of applicable fines found in Appendix A of this Code.

**15.14 STOP INTERSECTIONS.** *(Ord. 2010-06; 2019-09)*

Pursuant to 625 ILCS 5/11-302, stop signs are hereby designated at the following intersections:

**TRAFFIC ON**

Ami Drive, eastbound  
 Broadway Street, west and eastbound  
 Broadway Street, eastbound  
 Broadway Street, westbound  
  
 Charles Street, southbound  
 Charles Street, northbound  
 Circle Drive, southbound  
 Commercial Street, north and southbound  
 Commercial Street, southbound  
 Commercial Street, northbound  
 Commercial Street, north and southbound  
 Commercial Street, north and southbound  
 Covell Street, northbound

**STOPS AT**

Main Street (U.S. Route 12)  
 Main Street (U.S. Route 12)  
 East Street  
 Kenosha Street (Illinois  
 Route173)  
 South Street  
 George Street  
 May Avenue  
 Ami Drive  
 Liberty Street  
 Main Street (U.S. Route 12)  
 West Street  
 Williams Street  
 Broadway Street

Covell Street, southbound  
 East Street, northbound  
 East Street, southbound  
 Elm Street, eastbound  
 Elm Street, westbound  
 Front Street, eastbound  
 Front Street, westbound  
 George Street, eastbound  
 Golden Hawk Road, westbound  
 Golden Hawk Road, east and westbound  
 Golden Hawk Road, east and westbound  
 Golf Avenue, southbound  
 Grouse Lane, northbound  
 Hill Road, westbound  
 Hillcrest Drive, northbound at Charles Street  
 Hillcrest Drive, northbound at Covell Street  
 Hunt Club Road, southbound  
 Hunter Drive, eastbound  
 Hunter Drive, westbound  
 Kuhn Road, east and westbound

South Street  
 George Street  
 South Street  
 Main Street (U.S. Route 12)  
 Commercial Street  
 Main Street (U.S. Route 12)  
 Commercial Street  
 Main Street (U.S. Route 12)  
 Main Street (U.S. Route 12)  
 Mourning Dove Circle  
 Grouse Lane  
 May Avenue  
 Golden Hawk Road  
 Main Street (U.S. Route 12)  
 South Street  
 South Street  
 Kenosha Street (Illinois Route 173)  
 Prairie Ridge  
 Main Street (U.S. Route 12)  
 at railroad crossing

**TRAFFIC ON**

Kuhn Road, westbound  
 Liberty Street, eastbound  
 May Avenue, westbound  
 Market Street, westbound  
 Market Street, eastbound  
 Market Street, eastbound  
 Market Street, westbound  
 McConnell Drive, northbound  
 Mill Street, east and westbound  
 Milwaukee Avenue, eastbound  
 Milwaukee Avenue, eastbound  
 Milwaukee Avenue, eastbound  
 Milwaukee Avenue, eastbound  
 Milwaukee Avenue, westbound  
 Milwaukee Avenue, westbound  
 Mourning Dove Circle, southbound, at Quail  
 Crossing and Grouse Lane  
 Nippersink Drive, southbound  
 North Lane, southbound  
 North Lane, northbound  
 Partridge Lane, northbound  
 Pheasant Lane, westbound  
 Prairie Ridge, southbound  
 Prospect Street, eastbound  
 Prospect Street, westbound  
 Quail Crossing, northbound  
 South Street, east and westbound  
 Swallow Ridge Drive, westbound  
 Swallow Ridge Drive, eastbound  
 Teal Trail, northbound

**STOP AT**

U.S. Route 12  
 Main Street (U.S. Route 12)  
 Main Street (U.S. Route 12)  
 Main Street (U.S. Route 12)  
 Charles Street  
 Main Street (U.S. Route 12)  
 West Street  
 Broadway Street  
 Main Street (U.S. Route 12)  
 Silvertrees  
 William Street  
 Covell Street  
 West Street  
 William Street  
 Silvertrees  
  
 Golden Hawk Road  
 May Avenue  
 Valley Drive  
 May Avenue  
 Golden Hawk Road  
 Partridge Lane  
 Hill Road  
 Prairie Ridge  
 Main Street (U.S. Route 12)  
 Golden Hawk Road  
 Main Street (U.S. Route 12)  
 Main Street (U.S. Route 12)  
 Thrush Creek Drive  
 Pheasant Lane

Thorn Bird Lane, southbound  
 Valley Drive, east and westbound  
 Walnut Street, east and westbound  
 Walnut Street, westbound  
 West Street, northbound  
 West Street, southbound  
 William Street, northbound  
 William Street, southbound  
 Wilson Road, eastbound  
 Wilson Road, westbound  
 Wood Duck Lane, westbound

Thrush Creek Drive  
 North Lane  
 Main Street (U.S. Route 12)  
 Commercial Street  
 Broadway Street  
 South Street  
 George Street  
 George Street  
 Burlington Road  
 Main Street (U.S. Route 12)  
 Golden Hawk Road

**15.15 VEHICLE SEIZURE AND IMPOUNDMENT.** *(Ord. 2012-07)*

(a) Violations Authorizing Seizure: A motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the following violations, shall be subject to seizure and impoundment by the Village, and the owner of record of said vehicle shall be liable to the Village for an administrative penalty found in Appendix A of this Code, in addition to costs of prosecution and any towing and storage fees as hereinafter provided:

1. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to 720 ILCS 5/36-1 (Criminal Code of 1961); or
2. Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 5/11-501(a); or
3. 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; or
4. 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 (720 ILCS 570/402); or
5. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/24-1 (Unlawful Use of Weapons), 720 ILCS 5/24-1.5 (Reckless Discharge of a Firearm), or 720 ILCS 5/24-3.1 (Unlawful Possession of Firearms and Firearm Ammunition) (Criminal Code of 1961); or
6. Driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to 625 ILCS 5/6-303; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or
7. Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess a controlled substance, as defined by 720 ILCS 570/102 (Illinois Controlled Substances Act); or *(Ord. 2019-25)*
8. Operation or use of a motor vehicle with an expired driver's license, in

violation of 625 ILCS 5/6-101, if the period of expiration is greater than one year; or

9. Operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of 625 ILCS 5/6-101, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age; or
10. 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 625 ILCS 5/6-101, 6-303, or 11-501; or
11. Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/16, *et seq.*, or 720 ILCS 5/16A, *et seq.*; or
12. Any other circumstances under which the vehicle may be towed pursuant to this Code, the Richmond Police Department Operations Procedures, or the Richmond Police Department Administrative Procedures.

(b) General Regulations:

1. This Section shall not replace or otherwise abrogate any existing State or federal laws or Village ordinance pertaining to vehicle seizure and impoundment, and these penalties shall be in addition to any penalties that may be assessed by a court for any criminal charges.
2. The administrative penalty under this Section shall be waived if the vehicle used in the violation was stolen at that time and the Village is provided with verifiable proof that the vehicle was stolen.
3. Fees for towing and storage of a vehicle under this Section shall be those approved by the Chief of Police for all towers authorized to tow for the Police Department.

(c) Notice: Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this Section, the police officer shall provide for the towing of the vehicle to a facility authorized by the Village. At the time the vehicle is towed, the Village shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself of herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing. The Village shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the Village a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(d) Preliminary Hearing: If the owner of record of a vehicle seized pursuant to this Section desires to appeal the seizure, said owner must make a request for said hearing within 24 hours of the seizure. Said request shall be in writing and filed with the Chief of Police or designee who shall conduct such preliminary hearing within 24 hours after receipt of the request excluding

Saturdays, Sundays, or Village 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 reasonably prudent persons in the conduct of their affairs. If, after the hearing, the Chief of Police or the designee determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this Section, the Chief or the designee shall order the continued impoundment of the vehicle as provided in this Section, unless the owner of the vehicle posts with the Village a cash bond found in Appendix A of this Code plus costs of prosecution and pays the tower any applicable towing and storage fees. If the Chief of Police or the designee determines that there is no such probable cause, the vehicle will be returned without penalty or other fees. (*Ord. 2019-09*)

(e) Administrative Hearing:

1. All owners of record of seized and impounded vehicles shall be provided with a notice of hearing within five business days after a vehicle is seized and impounded pursuant to this Section. The Village shall notify the owner of record at the owner's address as registered by the Secretary of State or any other applicable governmental agency, by first class mail, of the date, time, and location of a plea hearing that will be conducted in accordance with Chapter 10, Code Hearing Department. Unless waived by the owner of record, a hearing shall be scheduled within 45 days of the mailing of the notice of hearing.
2. The owner will appear at a hearing and enter a plea of guilty or not guilty. If, after the hearing, the Administrative Law Judge determines by a preponderance of evidence that the vehicle was used in connection with a violation set forth in this Section, the Administrative Judge shall enter a written order finding the owner of record of the vehicle civilly liable to the Village for an administrative penalty found in Appendix A of this Code and requiring the vehicle to continue to be impounded until the owner pays the administrative penalty plus costs of prosecution to the Village plus fees to the tower for the towing and storage of the vehicle. If the owner of record fails to appear at the hearing, the Administrative Law Judge shall enter a default order in favor of the Village.
3. If, after the hearing, the Administrative Law Judge does not determine a preponderance of the evidence that the vehicle was used in such violation, the Administrative Law Judge shall enter a written order finding for the owner and for the immediate return of the owner's vehicle or cash bond without fees.
4. The final decisions of the Administrative Law Judge shall be subject to judicial review under the provisions of administrative review law.

(f) Administrative Penalty: If an administrative penalty is imposed pursuant to this Section, such penalty shall constitute a debt due and owing to the Village unless stayed by a court of competent jurisdiction. If a cash bond has been posted pursuant to this Section, the bond shall be applied to the penalty. The Village may seek to obtain a judgment on the debt and enforce such judgment against the vehicle after the deadline for seeking review under administrative review law has passed. Except as provided otherwise in this Section, a vehicle shall continue to be impounded

until the penalty plus costs of prosecution are paid to the Village and any applicable towing and storage fees 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. If the administrative penalty, costs, and applicable fees are not paid within 35 days after the Administrative Law Judge issues a written decision the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

(g) Vehicle Possession:

1. Except as otherwise specifically provided by law, no owner, lien holder, or other person shall be legally entitled to take possession of a vehicle impounded under this Section until the administrative penalty, costs, and fees applicable under this Section have been paid. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if such person agrees in writing to refund to the Village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay lien holders of record, not to exceed the administrative penalty, plus the applicable costs and fees.
2. For purposes of this Section, the “owner of record” of a vehicle is the record titleholder as registered with the Illinois Secretary of State or any other applicable governmental agency. (*Ord. 2019-09*)

**15.16 VALET PARKING SERVICES.** (*Ord. 2025-12*)

(a) Purpose and Intent. The purpose of this section is to:

1. Promote the public health, safety, and welfare in areas where Valet Parking Services operate;
2. Prevent traffic congestion, unsafe conditions, and obstruction of public rights-of-way;
3. Ensure that Valet Parking Operators maintain adequate staffing, insurance, and operational controls;
4. Establish uniform rules for the licensing, regulation, and oversight of valet services;
5. Protect property, emergency access, and pedestrian movement;
6. Provide enforcement mechanisms for violations of this section.

(b) Definitions. Unless the context specifically indicates otherwise, the following terms used in this section shall be defined as follows:

Valet Parking Service: The business activity of accepting temporary custody of a motor vehicle on a public way from a customer for the purpose of parking, storing, retrieving, or moving the vehicle. Valet Parking Service shall not apply to any business establishment that provides patron parking

entirely and solely on its premises or to any hotel that provides parking entirely on its premises for guests or for patrons of business establishments located on the hotel's premises.

Valet Parking Operator: Any person, business, association, partnership, company, corporation, or entity that operates, manages, or offers Valet Parking Services in the Village, including when the vehicle or the keys to the vehicle are given to an Attendant on any part of the public way, even if the actual parking of the vehicle is done entirely and solely on the establishment's premises.

Attendant: Any employee or agent of a Valet Parking Operator who parks, retrieves, or operates a customer's vehicle.

Loading Area/Drop-Off Zone: A designated and Village-approved on-street or off-street area where customers deliver vehicles to or retrieve vehicles from valet Attendants.

Parking Area/Storage Area: Any off-street parking lot or parking facility used to store vehicles in connection with valet service operations and approved by the Village.

Route of Travel: The Village-approved route that Attendants must use to transport vehicles between the Loading Area/Drop-Off Zone and the Parking Area/Storage Area.

Valet Parking Plan: A Village-approved operational plan describing valet procedures, including Loading Area/Drop-Off Zones, hours, staffing, signage, Routes of Travel, Parking Area/Storage Areas, and equipment.

(c) License Required.

1. No person shall operate a Valet Parking Service within the Village without first obtaining a Valet Parking Operator license from the Village.
2. A separate license is required for each Loading Area/Drop-Off Zone.
3. Valet Parking Services shall operate only as an accessory use to a lawful business within the Village.
4. Valet Parking Operator licenses shall be nontransferable.

(d) Application for License. Applications for a Valet Parking Operator license must include:

1. Operator Information: Legal name, address, contact information, and responsible agent.
2. Attendant List: Names of all Attendants; each of whom must be eighteen (18) years or older and hold a valid driver's license.
3. Insurance Certificates:
  - (i) Commercial General Liability Insurance: \$1,000,000 per occurrence;
  - (ii) Automobile Liability: Commercial and Business Automobile Liability insurance for owned vehicles, hired, and non-owned

vehicles, with a policy limit of not less than \$1,000,000, combined single limits, per occurrence for bodily injury and property damage;

- (iii) Garage-Keepers Liability Insurance: \$100,000 per vehicle;
  - (iv) Workers' Compensation. Workers' Compensation Insurance as required by State and Federal law statutes having jurisdiction over its employees engaged in the performance of any of Valet Parking Operators' operations; and
  - (v) The Village shall be named as Additional Insured with 60-day notice of cancellation.
- 4. Valet Parking Plan: Hours of operation; staffing plan; Loading Area/Drop Off Zone map; Route of Travel; written consent from parking lot owners or the Village of Richmond, as applicable; cones, markers and placement; and estimated volume of vehicles and impact analysis.
  - 5. Indemnification Agreement: Operator shall execute an agreement (on a form to be provided by the Village) to indemnify, defend, and hold harmless the Village from all of Operator's Valet Parking Operations.
  - 6. Fees: Payment of all required licensing fees.
  - 7. Additional Information: Any other information deemed necessary by the Chief of Police.
- (e) Review and Approval.
- 1. The Village Administrator and/or the Chief of Police, shall review all applications for a Valet Parking Operator license.
  - 2. Before issuing any Valet Parking Operator license, the Village Administrator and/or the Chief of Police must determine to their satisfaction that:
    - (i) The operation will not impede traffic or create safety hazards;
    - (ii) Adequate off-street Parking Area/Storage Area is secured;
    - (iii) The Loading Area/Drop-Off Zone is safe and appropriate;
    - (iv) The Route of Travel is safe and reasonable; and
    - (v) All insurance requirements are met.
  - 3. A license is valid for up to one (1) year and shall expire on December 31<sup>st</sup> unless suspended or revoked.
- (f) Operating Requirements.

1. Approved Loading Areas/Drop-Off Zones Only: Operators shall only use Loading Area/Drop-Off Zones approved by the Village.
2. Attendant Identification: All Attendants must wear visible identification badges or uniforms.
3. Cones, Markers and Signage: Only cones, markers, and signage or other markers and indicators that have been included in the approved Valet Parking Plan shall be utilized. Approved cones, markers, and signage shall be placed precisely as shown in the approved Valet Parking Plan and shall not obstruct traffic or pedestrian access.
4. Traffic and Safety Controls:
  - (i) Each Operator shall ensure that during the course of their operations, no Valet Parking Service customer's vehicle shall block or impede traffic lanes, pedestrian ways, crosswalks, alleys, fire lanes, driveways, or bus stops.
  - (ii) Each Operator shall ensure that Valet Parking Service customers' vehicles are not staged in the roadway.
5. Key Security: Each Operator shall ensure that all vehicle keys are supervised and secured at all times.
6. Route of Travel: Each Operator shall ensure that Attendants shall follow only the approved Route of Travel.

(g) Adequate Number of Attendants.

1. Adequate Staffing Requirement: The Valet Parking Operator shall provide an adequate number of Attendants to safely, efficiently, and promptly accept, park, and retrieve vehicles without causing congestion, unsafe conditions, or delays in the public right-of-way.
2. Determination of Adequacy: The Village Administrator and/or Chief of Police may determine that staffing is inadequate based on:
  - (i) Queuing or backups extending into the roadway;
  - (ii) Vehicles left stopped, standing, or double-parked;
  - (iii) Delays in parking or retrieving vehicles that impact traffic or pedestrian movement;
  - (iv) Violations of Village ordinances or the Illinois Vehicle Code attributable to insufficient staffing;
  - (v) Any condition demonstrating that additional Attendants are required for safe operation.

3. Corrective Action Required: Upon determination that staffing is inadequate, the Valet Parking Operator shall immediately assign additional Attendants. Continued failure to correct staffing deficiencies may result in suspension or revocation of the Valet Parking License.

(h) Temporary Valet Parking Permits. The Village may issue temporary valet permits for special events upon:

1. Submission of a Valet Parking Plan;
2. Proof of insurance;
3. Payment of applicable fees; and
4. Approval by the Village Administrator and Chief of Police.

(i) General Prohibited Acts. No Valet Parking Operator or Attendant shall:

1. Park vehicles in unauthorized or residential areas (unless approved);
2. Display valet signage when Valet Parking Service is not operating;
3. Operate without a valid license or permit;
4. Fail to maintain the insurance required by this section; or
5. Obstruct traffic, pedestrian ways, or emergency access.

(j) Legal Compliance and Prohibited Conduct by Attendants. All Valet Parking Operators and Attendants must comply with all Village ordinances and all applicable provisions of the Illinois Vehicle Code, including but not limited to:

1. Stopping/Standing/Parking Prohibited Places, 625 ILCS 5/11-1303
2. Improper Parking Position/Wrong-Side Parking, 625 ILCS 5/11-1304
3. Double Parking, 625 ILCS 5/11-1303
- 1401 4. Unattended Motor Vehicles/Leaving Engines Running, 625 ILCS 5/11-1303
5. Parking in Striping/Non-Designated Areas/Buffer Zones
6. Parking in Handicapped Spaces Without Permit, 625 ILCS 5/11-1301.3
7. Blocking Alleys, Driveways, Fire Lanes, or Sidewalks, 625 ILCS 5/11-1303
8. Wrong-Way Movement/Disobeying Traffic Devices, 625 ILCS 5/11-202, 11-305, 11-701

Violations of these provisions constitute violations of this ordinance and may be grounds for Valet Parking Operator license suspension or revocation.

(k) Enforcement, Penalties, Suspension, and Revocation.

1. Penalties: The penalties for violations of this section shall be:

First violation: \$250

Second violation: \$500

Third and subsequent violations: \$750 and possible license suspension and/or revocation.

Each day or instance of a violation that commences or continues constitutes a separate offense.

2. Suspension or Revocation: The Chief of Police may suspend or revoke a Valet Parking License for any violation of this Section, or for failure to maintain required insurance or adequate staffing as required under this Ordinance. Except in cases of emergency or immediate threat to public safety, prior to such suspension or revocation, the Chief of Police shall first provide five business days' written notice to the Permit Holder of the reasons for such suspension or revocation and shall provide the Permit Holder the opportunity to meet with the Chief of Police within ten days of such notice to appeal such a revocation or suspension.
3. Independent State and Local Enforcement: State and local enforcement actions, including but not limited to traffic citations, administrative penalties, towing, or other lawful enforcement remedies, may proceed independently of this Section.

(l) No Village Liability. The Village shall not be liable for any loss, damage, or injury arising from Valet Parking Service operations. Operators assume full responsibility for vehicles accepted into their custody.

## CHAPTER 16 SNOWMOBILES

- 16.01 Definitions
- 16.02 Muffler and Noise Requirements
- 16.03 Restricted Areas
- 16.04 Operation *(Ord. 2023-02)*
- 16.05 Illinois Snowmobile and Registration Safety Act *(Ord. 2023-02)*
- 16.06 Enforcement *(Ord. 2023-02)*
- 16.07 Penalty

**16.01 DEFINITIONS.** Terms used in this chapter mean as follows:

Snowmobile: A self-propelled vehicle designed for travel on snow or ice in a natural terrain powered by a drive belt and steered by skis or runners or similar devices.

Operate: To control the operation of a snowmobile.

Operator: A person who operates or is in actual control of a snowmobile.

**16.02 MUFFLER AND NOISE REQUIREMENTS.** It shall be unlawful to use a snowmobile propelled by a motor or machine unless the same is provided with a serviceable muffler capable of adequately muffling the sound of exhaust of the engine. The phrase "adequate muffling" shall mean that the motor exhausted at all times be so muffled or suppressed as to not create excessive or unusual noise. No other excessive or unusual noise created through the operation of said device is allowed.

**16.03 RESTRICTED AREAS.** It shall be unlawful to operate a snowmobile on private property of another without the express permission to do so or by the owner or occupant of said property or on public property, including but not limited to, school grounds, park property, public streets, play grounds, and recreational areas without express permission to do so by the proper public authority. Snowmobiles are permitted to safely crossover public streets to access gas stations or the trail system at a speed not in excess of 15 MPH. *(Ord. 2023-02)*

### **16.04 OPERATION.**

(a) Reckless Operation. No person shall operate any snowmobile in a careless, willful, heedless, reckless, or wanton manner so as to endanger, harass or annoy persons, or endanger property.

(b) Driving While Under the Influence. No person shall operate any snowmobile or be in actual physical control of any snowmobile that is under the influence of intoxicating liquor and/or narcotic drug.

(c) There shall be no racing of snowmobiles within the Village of Richmond except with the express authority of the Village Board.

(d) All snowmobiles operating on Village right of way shall not travel in excess of 15 MPH while on said Village right of way. *(Ord. 2023-02)*

**16.05 ILLINOIS SNOWMOBILE REGISTRATION AND SAFETY ACT.** This chapter hereby incorporates by reference all applicable provisions of the "Illinois Snowmobile Registration and Safety Act" of the State of Illinois, and amendments thereto, and the same shall be endorsed as part of this chapter, except where this chapter further restricts operation and use of snowmobiles, then this chapter takes precedence. *(Ord. 2023-02)*

**16.06 ENFORCEMENT.** The Village of Richmond Police Department, or any special police or snow safety patrol authorized by the Village of Richmond, shall, for purposes of this chapter, have full and complete jurisdiction of enforcement of this chapter.

**16.07 PENALTY.** Any person violating any part of this chapter shall be fined pursuant to Appendix A of this Code. *(Ord. 2012-07)*

**CHAPTER 17**  
**COLLECTION BINS FOR DONATED ITEMS**

*(Ord. 2017-02; 2018-16)*

- 17.01 Definitions
- 17.02 Permit Required, Dates of Issuance, Expiration, Response
- 17.03 Fees Required
- 17.04 Qualifications of Permittee and Form of Application
- 17.05 Management, Maintenance, Requirements
- 17.06 Placement of Recycling Collection Bins
- 17.07 Information and Label Requirement for All Bins
- 17.08 Violations and Penalties
- 17.09 Unpermitted Recycling Collection Bins
- 17.10 Notice Required for Removal
- 17.11 Liability; Protections

**17.01 DEFINITIONS.**

Recycling Collection Bin: An attended or unattended receptacle or container made of metal, steel or similar material for permanent or temporary use, designed or intended for the collection of unwanted clothing, shoes, textiles, books and other household items.

Permittee: Any organization, firm or other entity that owns and receives a permit to operate a Recycling Collection Bin in the Village pursuant to this Chapter.

**17.02 PERMIT REQUIRED, DATES OF ISSUANCE, EXPIRATION, RESPONSE.**

(a) It shall be unlawful to erect, place, maintain or operate any Recycling Collection Bin without first obtaining a permit issued by the Village and written permission of the Property Owner where the Recycling Collection Bin is proposed to be located (“site”).

(b) The Village Clerk shall approve Permittee’s application if the application fulfills the application requirements under *17.04. Qualifications of Permittee and Form of Application*. All applications for Recycling Collection Bins shall be filed with the Village Clerk by April 1<sup>st</sup> of each year.

(c) A permit issued under this Chapter shall be valid for one year and renewable upon application for one-year periods thereafter.

(d) Recycling Collection Bins owned and/or operated by one entity for the benefit of another entity require the contact information for both entities on the permit application.

(e) A permit shall not be required for a temporary event authorized by the Village Board such as periodic Christmas light disposal or electronics disposal events.

**17.03 FEE REQUIRED.**

- (a) Initial and each Renewal Application (one-year period each): \$100.00

**17.04 QUALIFICATIONS OF PERMITTEE AND FORM OF APPLICATION.**

In order to qualify as a permittee under this Chapter, an applicant must either be (1) a public charity exempt from taxes under Section 501(c)(3) of the United States Internal Revenue Code, and in

good standing with the State of Illinois, or (2) a business in good standing with the State of Illinois. The application for a Recycling Collection Bin permit shall require the following information from the applicant:

(a) If the applicant claims to be a qualified nonprofit entity, (1) a copy of the determination letter issued by the Internal Revenue Service stating that the applicant is a public charity exempt under Internal Revenue Code Section 501(c)(3), and (2) a certificate of good standing issued by the state office that regulates corporations. If the applicant is a business, a certificate of good standing issued by the Office of the Secretary of State of Illinois. Any certificate of good standing must not be older than 3 months at the time of application for a permit.

(b) Name, address and telephone number of contact person of the applicant.

(c) Written consent (dated within 1-month of the application date) from the Property Owner to place the Recycling Collection Bin on the site, including name, address and telephone number of the Property Owner.

(d) Proof to the Village Clerk of a Certificate of Liability Insurance of at least \$1 million covering Permittee's Recycling Collection Bins with the Village added as an additional insured.

#### **17.05 MANAGEMENT, MAINTENANCE, REQUIREMENTS.**

(a) Permittee and the Property Owner must maintain the aesthetic presentation of each Recycling Collection Bin including fresh paint, readable signage and general upkeep.

(b) Permittee must provide to the Property Owner a telephone number for requests to respond to Recycling Collection Bin maintenance complaints.

(c) Permittee or the Property Owner must respond to Recycling Collection Bin maintenance complaints within 24 hours of receiving notification during regular business hours.

(d) Permittee or the Property Owner must remove graffiti within 72 hours following receipt of notice of its existence.

(e) If a Recycling Collection Bin becomes damaged or vandalized, it shall be repaired, replaced or removed by Permittee or the Property Owner within five days of receipt of notice of such condition.

#### **17.06 PLACEMENT OF RECYCLING COLLECTION BINS.**

(a) Recycling Collection Bins shall be placed on the site in a manner that does not impede vehicular or pedestrian traffic flow.

(b) Recycling Collection Bins shall not be placed in the right-of-way and shall adhere to any set-back standards for the site where they are placed.

(c) Recycling Collection Bins shall not be placed in a required parking space (designated for handicap/disabled parking) or reduce the number of parking spaces below the minimum number required by local zoning codes unless the site plan approval allows for the same.

(d) Recycling Collection Bins shall not be placed within the sight triangle of any intersection.

### **17.07 INFORMATION AND LABEL REQUIREMENT FOR ALL BINS.**

The front of every Recycling Collection Bin shall conspicuously display the following:

(a) The name, address, telephone number and the Internet Web address of the Permittee and Property Owner and operator the Recycling Collection Bin.

(b) A statement, in at least two-inch typeface, that either reads, "This collection bin is owned and operated by a nonprofit organization" or "This collection bin is owned and operated by a for-profit organization".

(c) If the Recycling Collection Bin is owned by a non-profit organization, the front of the Recycling Collection Bin shall also conspicuously display a statement describing the charitable causes that will benefit from the donations.

(d) If the Recycling Collection Bin is owned by a for-profit company, the front of the Recycling Collection Bin shall conspicuously display a statement that reads "[name of company] is a for-profit company, deposits are not tax deductible".

(e) Recycling Collection Bins operated by a for profit entity on behalf of or in conjunction with a nonprofit organization shall have the name, address, telephone number and Internet Web address of both entities on the front of the Recycling Collection Bin.

(f) Recycling Collection Bins operated by corporate fundraisers or any entity placing and operating Recycling Collection Bin(s) for the benefit of another for-profit entity or non-profit entity shall abide by the requirements of (d) above and any additional guidelines and labeling requirements required under state law.

### **17.08 VIOLATIONS AND PENALTIES.**

(a) In addition to any other penalties or remedies authorized by law, any Permittee or Property Owner which violates any provision of this Chapter shall jointly and severally be subject to a penalty of not less than \$150 for each violation, which includes:

1. Failure to adequately respond to a maintenance request pursuant to this Chapter;
2. Failure to maintain Recycling Collection Bins pursuant to this Chapter;
3. Failure to adhere to Recycling Collection Bin placement and removal provisions pursuant to this Chapter; and
4. Failure to adhere to all permit requirements pursuant to this Chapter, including the Permittee's failure to receive written consent from the Property Owner.

(b) If a Permittee is found to have willfully violated the provisions of this Chapter and ignores mitigation, on more than three occasions in a calendar year, the permittee shall, in addition, be deemed ineligible to place, use or employ a Recycling Collection Bin within the Village pursuant to this Chapter for a period of five years, and the Village may remove any or all of such Permittee's Recycling Collection Bins upon 30 days advance notice.

**17.09 UNPERMITTED RECYCLING COLLECTION BINS.**

(a) If an Unpermitted Recycling Collection Bin (URCB) is discovered within the Village, the Property Owner or the operator of the URCB shall either: 1) apply for all Recycling Collection Bin permits required by this Chapter; or 2) remove the URCB. This requirement shall be met within 72 hours after the Property Owner and URCB operator, if the URCB operator can be located by the Village Clerk, is notified of the violation.

(b) The operation or maintenance of a URCB may be abated or summarily abated by the Village in any manner by Chapter 12 of the Village Code or otherwise by law for the abatement of public nuisances. All expenses incurred by the Village in connection with any action to abate a public nuisance will be chargeable to the persons creating, causing, committing, or maintaining the public nuisance and is an express condition of the permit, if any exists.

(c) All notices for URCBs shall be in writing and personally delivered to the Property Owner and the URCB operator, if the URCB operator can be located by the Village Clerk or by depositing such notice in the United States mail, postage paid, and addressed to the Property Owner at the Property Owner(s) last known address as it appears on the last McHenry County equalized assessments roll, as well as placed on the URCB itself. If the Village Clerk cannot reasonably determine the name and/or address of the URCB operators, placing the written notice on the URCB itself constitutes sufficient notice.

**17.10 NOTICE REQUIRED FOR REMOVAL.**

(a) Any Recycling Collection Bin scheduled to be removed and destroyed by either the Village or the operator shall clearly display a notice on the Recycling Collection Bin with at least one and one-quarter inch type font visible from the front on the URCB that states the following text in capital letters: "THIS BOX WILL BE REMOVED AND DESTROYED BY" followed by the date the Recycling Collection Bin is scheduled for removal and destruction. The entity who is removing the Recycling Collection Bin is responsible for placement of the notice on the Recycling Collection Bin.

(b) For Recycling Collection Bins required to be removed by the Village due to an abatement order, the notice shall be posted immediately after the Village Clerk notifies the operator, if the URCB operator can be reasonably located, and the Property Owner that the Recycling Collection Bin is required to be removed and destroyed.

(c) Notice that a Recycling Collection Bin will be removed by the Property Owner or operator shall be posted by the Village Clerk on the URCB at least 14 calendar days prior to the removal of the Recycling Collection Bin.

**17.11 LIABILITY; PROTECTIONS.**

(a) The Property Owner shall have the right to rescind consent for a Recycling Collection Bin to be placed on the site, provided written notice of the rescission is provided to the Permittee, not less than 10 days prior to the Recycling Collection Bin being removed.

(b) The Property Owner will be held harmless by the Permittee for the removal of an unauthorized Recycling Collection Bin or where removal is necessary to comply with Village municipal ordinances.

**CHAPTER 19  
HOTEL OR MOTEL OCCUPANCY TAX**

- 19.01 Definitions
- 19.02 Taxed Imposed; Liability for Payment; Additional to Other Taxes; Collection *(Ord. 2003-19; 2016-14)*
- 19.03 Responsibility of Owner to Keep Daily Records; Right of Village to Inspect
- 19.04 Transmittal of Tax Revenue
- 19.05 Failure to Pay Tax
- 19.06 Disposition of Proceeds from Tax and Fines
- 19.07 Penalty *(Ord. 2000-04; 2012-07)*

**19.01 DEFINITIONS.** For the purpose of this article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

Hotel room or motel room: A room within a structure offered for rental on a daily basis and containing facilities for sleeping. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

Owner: Any person having an ownership interest in or conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room.

Person: Any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business, trust, institution, agency, government corporation, municipal, corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representatives, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

**19.02 TAX IMPOSED; LIABILITY FOR PAYMENT; ADDITIONAL TO OTHER TAXES; COLLECTION.**

(a) There is hereby levied and imposed a tax of the gross rent charged for the privilege and use of renting a hotel or motel room within the Village for each twenty-four hour period or any portion thereof for which a daily room charge is made, provided, however, that the tax shall not be levied and imposed upon any person who rents a hotel or motel room for more than thirty (30) consecutive days or to a person who works and lives in the same hotel or motel, at the rate indicated by the table below: *(Ord. 2003-19)*

Year:	Tax Imposed:
2003	3.00%
2004	4.00%
2005	4.25%
2006	4.50%
2007 & following years	5.00%

(b) The ultimate incidence of any liability for payment of said tax is to be borne by the person, who seeks the privilege of occupying the hotel or motel room, said person hereinafter referred to as "rentor".

(c) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner of every hotel or motel to secure said tax from the rentor of the hotel or motel room and to pay over to the village comptroller said tax under procedures prescribed by the Village Clerk, or as otherwise provided in this article.

(d) Every person required to collect the tax levied by this article shall secure said tax from the rentor at the time he collects the rental payment for the hotel or motel room. Upon the invoice receipt or other receipt or other statement or memorandum of the rent given to the rentor at the time of payment, the amount due under the tax provided in this article shall be stated separately on said documents.

(e) Length of stay. No person registered at a motel/hotel shall be permitted to remain at the motel/hotel for more than 30 days at any one time. *(Ord. 2016-14)*

### **19.03 RESPONSIBILITY OF OWNER TO KEEP DAILY RECORDS; RIGHT OF VILLAGE TO INSPECT.**

(a) It shall be the duty of every owner to keep accurate and complete books and records to which the Village Clerk, or his/her deputy, authorized by him/her, shall at all times have full access, which records shall include a daily sheet showing:

1. The number of hotel or motel rooms rented during the twenty-four hour period, including multiple rentals of the same hotel room where such shall occur; and
2. The actual hotel or motel tax receipts collected for the date in question.

(b) The Village Clerk, or his/her deputy or representative may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this article and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder or interfere with the Village Clerk or his/her deputy in the discharge of his/her duties in the performance of this article.

### **19.04 TRANSMITTAL OF TAX REVENUE.**

(a) Quarterly Tax Returns: Every person operating a hotel shall file tax returns showing tax receipts received with respect to each hotel during each three month period ending on January 31, April 30, July 31 and October 31, of each year, within 30 days after the end of the respective date, upon forms prescribed by rules and regulations of the Village. At the time of filing said tax returns, the operator shall pay to the Village all taxes due for the period to which the tax return applies. Each return shall be accompanied by payment to the Village of all taxes due and owing for the quarter covered by the return.

### **19.05 FAILURE TO PAY TAX.**

(a) Interest and Penalty: In the event any hotel owner, manager or operator fails to collect and pay to the village the tax required hereunder within 30 days after the same is due, interest shall accumulate and be due upon said tax at the rate of one percent per month commencing as of the first day of the month following the month for which the tax was to have been collected. In addition, a penalty of 10 percent of the tax and interest due shall be assessed and collected against any hotel owner, manager and operator.

(b) Suit for Collection: Whenever any person fails to pay any tax required herein, the Village Attorney shall, upon the request of the village comptroller bring or cause to be brought an action to enforce the payment of said tax on behalf of the Village in any court of competent jurisdiction. Any legal fees incurred by the Village in the cost of collection shall be paid by the operator.

(c) Revocation of Village Registration: If the President, after conducting a hearing, finds that any person has willfully avoided payment of the tax imposed herein, he/she may suspend or revoke all Village Registrations held by the hotel. The operator shall have an opportunity to be heard at a hearing held not less than five days after notice of the time and place of the hearing, with said notice addressed to the operator at the last known place of business, has been delivered to the operator.

**19.06 DISPOSITION OF PROCEEDS FROM TAX AND FINES.**

(a) The amount collected pursuant to 19.02(a) above shall be appropriated for and directed for promotion of tourism within the village or otherwise to attract non-residents and overnight visitors to the municipality, and the Village may by special agreement transfer said three (3) percent to a visitor's bureau on an annual basis.

(b) All of the remaining proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid into the treasury of the village.

**19.07 PENALTY.** Any person found guilty of violating any provision of this Chapter shall, upon conviction, be fined pursuant to Appendix A of this Code. (*Ord. 2000-04; 2012-07*)

**CHAPTER 21  
BUSINESS REGISTRATION**

- 21.01 Registration Required
- 21.02 Application and Non-Refundable Deposit (*Ord. 2022-01; 2023-01*)
- 21.03 Inspections (Pre-Registration)
- 21.04 Expiration
- 21.05 Registration to be Posted (*Ord. 2022-06*)
- 21.06 Fees (*Ord. 2018-12; 2018-25; 2019-18; 2023-07; 2024-15*)
- 21.07 Location
- 21.08 Building, Premises
- 21.09 Nuisances
- 21.10 Working Conditions
- 21.11 Inspections
- 21.12 Suspension or Revocation
- 21.13 Appeal
- 21.14 Penalty
- 21.15 Raffles and Poker Runs (*Ord. 2016-26; 2017-10; 2017-17; 2019-05; 2019-21*)
- 21.16 Garage Sales
- 21.17 Prohibited Businesses
- 21.18 Administrative Fee

**21.01 REGISTRATION REQUIRED.** Any person engaged in the maintenance, operation or conduct of any business establishment, or doing business or engaging in any activity or occupation, shall be subject to the provisions of this ordinance if by himself or through an agent, employee or partner, he is held forth as being engaged in any business, activity or occupation, or if he solicits patronage therefor, actively or passively; or if he performs or attempts to perform any part of such business, activity, or occupation in the Village.

**21.02 APPLICATION AND NON-REFUNDABLE DEPOSIT.**

(a) Registrations; Permits; Fee: Applications for all registrations and permits required by ordinance shall be made in writing to the Village Comptroller in the absence of provision in the contrary. Each application shall contain 1) the name of the applicant, 2) the permit or registration desired, 3) the location to be used, if any, and 4) the time covered. Each application also shall contain the number of the certificate of registration required under the Retailer's Occupation Tax Act, Service Occupational Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the registration or permit applied for. The application shall be accompanied by a non-refundable deposit of thirty dollars (\$30.00). The balance of the registration fee, if any, shall be payable by the applicant to the Village upon issuance of the requisite registration.

(b) Forms and Signature: Forms for all registrations and permits, and applications therefore, shall be prepared and kept on file by the Village Comptroller.

(c) Non-Resident Contractor Filings and Fee: All non-resident contractors, not operating within a fixed structure within the Village corporate limits, must annually, submit to the Village Clerk a completed application form, a copy of its current Certificate of Insurance, and payment of an annual \$75.00 fee. Additionally, electricians, plumbers and roofers must provide a

copy of their current State issued license before performing services within the Village. Contractor's operating within a fixed structure within the Village limits are regulated by Section 21.06 of the Village Code. (Ord. 2022-01; 2023-01)

**21.03 INSPECTIONS (PRE-REGISTRATION).**

(a) Upon receipt of an application for a new registration, new permit, registration renewal, where an inspection is required by ordinance before the issuance of such permit or registration, or where an inspection shall be deemed reasonably necessary or appropriate, the Village Comptroller, within forty eight (48) hours of such receipt, shall refer the application to the appropriate official(s) for the making of such inspection.

(b) The officials to whom the application has been referred shall make a report thereon, favorable or otherwise, within ten (10) days after receiving such application or a copy thereof.

(c) The McHenry County Health Department shall make or cause to be made an inspection regarding such permits and registrations as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. The Building Department shall make or cause to be made and inspections which relate to compliance with the Building Code, Zoning ordinance, and other related regulations. All other inspections, except where otherwise provided, shall be made by the Chief of Police, the Chief of the Fire Department, the Superintendent of the Public Works Department, or by some other person designated by the Village President.

(d) If, after due consideration of the information contained in the application and the related inspection reports, the Village Comptroller shall determine the application is satisfactory, the Village Comptroller shall approve the application. The applicant will be promptly notified that his application is approved, and the registration or permit may be issued.

(e) If it shall appear to the Village Comptroller that the matters and circumstances relating to an application require further information before a proper determination can be made; such application shall be returned to the applicant for the inclusion of such additional information as may be specified necessary and appropriate.

(f) If, after due consideration of the information contained within the application and related inspection reports, the Village Comptroller shall determine that the matters concerning the application are unsatisfactory, the Village Comptroller shall forward such reports, together with the application and the reasons for disapproval to the Village President and Board of Trustees for further evaluation and determination, notifying the applicant of said action and the reasons for disapproval.

(g) The applicant shall, within thirty (30) days of the date of application, satisfy and complete all requirements imposed upon the applicant as a condition to the issuance of the business registration, otherwise, a new application shall be required together with a new non-refundable deposit of thirty dollars (\$30.00).

**21.04 EXPIRATION.**

(a) All annual registrations shall be operative and the registration year for the Village shall commence on May 1 of each year and shall terminate on April 30 of the following year, where no provision to the contrary is made.

(b) The Village Comptroller shall notify all registered businesses of the Village of the time of expiration of the registration held by the business (if annual) three (3) weeks prior to the date of such expiration. Provided, however, that a failure to make such notification, or the failure of the business to receive it, shall not excuse the business from the obligation to obtain a new registration, or a renewal thereof, nor shall it be a defense in an action based upon operation without a registration.

(c) In the event a business who has been issued a registration the previous year fails to obtain a registration before May 1 of any year, the applicant shall pay to the Village Treasurer prior to the time the current registration is issued, a sum equal to twice the normal registration fee, it being determined by the corporate authorities that such a charge to offset the costs to be incurred by the Village in maintaining records and sending delinquency notices for a registered applicant who is late in securing a current registration. In the event a business who has been registered the previous year fails to obtain a registration before June 1 of any year, a citation may be issued by the Village and thereafter, the Village may institute legal proceedings for operating without the requisite business registration.

**21.05 REGISTRATION TO BE POSTED.** It shall be the duty of every person conducting a registered business in the Village to keep his registration posted in an entry door, window, or at a conspicuous part of the premises used for such business at all times. *(Ord. 2022-06)*

**21.06 FEES.** *(Ord. 2018-25; 2023-07)*

(a) All fees and charges for registrations or permits shall be paid in the amounts prescribed in the following schedule. For any business not otherwise listed, the fee shall be \$40.00. When an applicant has not engaged in the business or activity until after the expiration of part of the current registration year, the registration fee shall be prorated by quarters and the fee paid for the quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all registration and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any registration or permit fee, or part thereof, by reason of death or departure of the registered business or permittee; nor shall any rebate or refund be made by reason of nonuse of the registration or discontinuance of the operation or conduct of the registered establishment, business, or activity.

(b) Registrations and fees shall be required for all businesses, including but not limited to the following: *(Ord. 2019-18; 2023-07; 2024-15)*

Ambulances (Private)	\$40.00
Animal Kennel	\$40.00
Arborist	\$40.00
Athletic Contests	\$40.00
Auctioneers	\$40.00
Bakeries	\$40.00
Banks	\$40.00
Barber Shops	\$40.00
Bowling Alley	\$40.00

Breweries	\$40.00
Car Wash	\$40.00
Coffee Houses	\$40.00
Confectionery Stores	\$40.00
Contractor-Building/Remodeling	\$40.00
Convention Hall	\$40.00
Country Club	\$40.00
Currency Exchanges	\$40.00
Day Care Center	\$40.00
Delicatessens	\$40.00
Detective Agencies	\$40.00
Driving Schools	\$40.00
Dry Cleaning Establishments	\$40.00
Electrical Contractors	\$40.00
Electrical Equipment Sales	\$40.00
Exterminators	\$40.00
Filling Stations	\$40.00
Per Gas Hose	\$ 5.00
Fish Markets	\$40.00
Flea Markets	\$35.00
Florists	\$40.00
Foundries	\$40.00
Fruit & Vegetable Stands	\$40.00
Funeral Homes	\$40.00
Garages (public)	\$40.00
Golf Course	\$40.00
Grocery Stores	\$40.00
Hardware and Paint Stores	\$40.00
Heating, Air Conditioning & Refrigeration Contractors	\$40.00
Hospitals – not exceeding 50 beds	\$40.00
Hospitals – exceeding 50 beds	\$100.00
Hotels/Motels	\$40.00
Ice Cream Stores or Parlors	\$40.00
Junk Dealers	\$40.00
Laundries	\$40.00
Laundromats	\$40.00
Liquor Store	\$40.00
Lumber Yards	\$40.00
Machine Shops	\$40.00
Manufacturing	\$40.00
Marinas	\$40.00
Mason Contractors	\$40.00
Meat Markets	\$40.00
Mini-Storage	\$40.00
Mobile Vending	\$40.00
Motor Vehicle Sales	\$40.00
Motor Vehicle Towing & Repair	\$40.00

Establishments	
Nursing Homes and Homes for the Aged - Less than 50 beds	\$40.00
Nursing Homes and Homes for the Aged - Exceeding 50 beds	\$100.00
Paint Factories	\$100.00
Parking Garages	\$40.00
Pharmacy	\$40.00
Plumbing Contractors	\$40.00
Printing Shop	\$40.00
Professional Offices:	
Medical/Dental	\$40.00
Real Estate	\$40.00
Others	\$40.00
Public Amusements:	
Amusement Parks	\$100.00
Auctions (per day)	\$40.00
Auto Show (per day)	\$40.00
Carnivals (per day)	\$40.00
Circus or sideshow (per day)	\$100.00
Concert, musical entertainment under canvas (per day)	\$40.00
Professional Athletic Exhibition	\$40.00
Public Dance	\$40.00
Rodeo (per day)	\$100.00
Theater - Indoor	\$40.00
Theater – Outdoor or Drive-In	\$100.00
Restaurants	
Drive-In or seating capacity 50 or less	\$40.00
Seating capacity 51-100	\$40.00
Seating capacity 101 and over	\$40.00
Retail Shops	\$40.00
Secondhand Dealers	\$40.00
Taverns	\$40.00
Taxicabs	\$40.00
Temporary Vendors – On Private Property (Only allowed on or within Registered Active Business property; Limit of 3-days in 90-day Period)	\$ 0.00
Temporary Vendors – On Public Property (Only if sponsored by a Local Business with a Special Event Permit)	\$ 0.00
Tobacco Dealers	\$40.00
Tree Experts	\$40.00
Video Gaming Parlors	\$40.00

**21.07 LOCATION.**

(a) No registration for the operation of a business or establishment in the Village shall be construed to permit the operation of a registered business or establishment in more than one location in the Village; a separate registration shall be required for each location of a registered establishment. For the purposes of this Ordinance, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification. Notwithstanding anything herein to the contrary, a business or businesses conducted at a single location shall be considered separate businesses if each business holds a separate tax identification number.

(b) The location of any registered business or occupation, or the location of any permitted act, may be changed provided that ten (10) days' notice thereof is given to the Village Comptroller in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the Village shall be complied with.

**21.08 BUILDING, PREMISES.** No registration shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village and the State.

**21.09 NUISANCES.**

(a) Prohibition: No business or establishment, whether or not registered, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part thereof, shall be used, kept, maintained or operated in connection with any business or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health. It shall be unlawful to sell or offer for sale, any candy, ice cream, confection, or any food or beverage for human consumption from any motor vehicle or any vehicle, cart or wagon of any kind on or from any public roadway within the village unless properly registered under this ordinance. Vendors must have appropriate county health department licenses.

(b) Unsafe or Unhealthful Business:

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

3. Refuse Disposals:

- (i) Duty to provide refuse containers: The occupant of every building, structure, or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

- (ii) Refuse Removal: It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation to cause to be removed at his own cost and expense at least once each week all refuse produced therein.

#### **21.10 WORKING CONDITIONS.**

(a) Health Requirements: No owner, lessee, manager or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place, or any room or part thereof, to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

(b) Sanitation: All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable or other nuisance; also as far as practicable, such premises shall be free from all gases, vapors, dust or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be well ventilated.

(c) Heating Required: It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop, to maintain a temperature within such factory or workshop at not less than sixty eight (68) degrees Fahrenheit without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than sixty eight (68) degrees Fahrenheit is necessary or expedient for the work or manufacturing processes of such business.

(d) Inspection: The McHenry County Health Department and the Building Department shall visit or cause to be visited all such places of employment in the Village as often as they shall deem necessary to assure compliance of the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

#### **21.11 INSPECTIONS.**

(a) Whenever inspections of the premises used for or in connection with the operation of a registered business or occupation are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the Village, or to detect violations thereof, it shall be the duty of the applicant or the person in charge of the premises to admit hereto for the purpose of making the inspection, any officer or employee of the Village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(b) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the registered or the person in charge of the premises to give to any duly authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity.

(c) In addition to any other penalty which may be provided, the Village President may revoke the registration of any owner or operator of a registered business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no registration shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of the Village after first having presented a warrant authorizing such entry.

#### **21.12 SUSPENSION OR REVOCATION.**

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

(b) Within two (2) days after he has so acted, the Village President shall call a hearing for the purpose of determining whether or not the registration or permit should be revoked. Notice of said hearing shall be given as set forth in subsection (e) of this Section and the hearing shall be conducted as provided in subsection (f) of this Section.

(c) Registrations and permits issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in subsections (e) and (f) of this Section for any of the following causes:

1. Any fraud, misrepresentation or false statement contained in the application for the registration or permit.
2. Any violation by the applicant or permittee of ordinance provisions relating to the registration or permit, the subject matter of the registration or permit, or premises occupied.
3. Conviction of the permittee of any felony or of a misdemeanor involving moral turpitude.
4. Failure of the registered business or permittee to pay any fine or penalty owing to the Village.
5. Refusal to permit an inspection or sampling, or any interference with a duly authorized Village officer or employee while in the performance of his duties in making such inspection, as provided in section 21.11.

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

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

(f) At the hearing the Village Attorney shall present the complaint and shall represent the Village. The registered business or permittee shall have the right to submit evidence and cross-examine the witnesses. The Village President shall preside and shall render the decision.

**21.13 APPEAL.** Any person aggrieved by the decision of the Village President in regard to the denial of the application for a business registration, as provided in Section 21.3 hereinabove, or in connection with the revocation of a registration or permit, as provided in Section 21.12 hereinabove, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Comptroller within ten (10) days after notice of a denial of an application or a revocation of a registration or permit, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or permittee in the same manner as provided in subsections 21.12(e) and 21.12(f). The decision of the Board of Trustees on such appeal shall be final.

**21.14 PENALTY.** Unless otherwise provided, any person who shall be convicted of violating any provision of this ordinance shall be fined pursuant to Appendix A of this Code.

**21.15 RAFFLES AND POKER RUNS.** *(Ord. 2019-21)*

(a) Definitions. For the purposes of this Section the terms defined in herein have the following meanings:

Business: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

Educational: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

Fraternal: An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

Key location: (1) For a poker run, the location where the poker run concludes and the prizes are awarded. (2) For a raffle, the location where the winning chances in the raffle are determined.

Labor: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Net proceeds: The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other operating expenses incurred as a result of operating a raffle or poker run.

Non-profit: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

On-going raffle: A raffle in which (1) there is one sale of chances before an initial drawing date; thereafter, the chances shall be valid at subsequent drawings in the same raffle; or (2) a specified number of raffles to be conducted during a specified period not to exceed one year.

Poker run: An event organized by an organization licensed under this Section in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. Poker run includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

Raffle: A form of lottery, as defined in subsection (b) of Section 28-2 of the Criminal Code of 2012, conducted by an organization licensed under this Section, in which:

1. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and
2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

Raffle does not include any game designed to simulate: (1) gambling games as defined in the Riverboat Gambling Act, (2) any casino game approved for play by the Illinois Gaming Board, (3) any games provided by a video gaming terminal, as defined in the Video Gaming Act, or (4) a savings promotion raffle authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act, or Section 4 of the Home Owners' Loan Act.

Religious: Any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

(b) Licensing:

1. Raffle licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, or veterans', or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years

immediately before making application for a raffle license and which have during that entire 5-year period been engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

2. Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of 5 years immediately before making application for a poker run license and which have during that entire 5-year period been engaged in carrying out their objectives. Licenses for poker runs shall be issued for the following purposes:
  - (i) Providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster; or
  - (ii) To maintain the financial stability of the organization. A licensing authority may waive the 5-year requirement under this subsection; and/or
  - (iii) For a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or a poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the 5-year requirement.

(c) License, Application, Issuance, Restrictions, Persons Ineligible: Licenses issued by the Village are subject to the following restrictions:

1. No person, firm or corporation shall conduct raffles or chances or poker runs without having first obtained a license therefor pursuant to this Section.
2. The license and application for license must specify the location or locations at which winning chances in the raffle will be determined, the time period during which raffle chances will be sold or issued or a poker run will be conducted, the time or times of determination of winning chances and the location or locations at which winning chances will be determined.
3. The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization, signed by the presiding officer and the secretary of that organization.
4. The application for license shall be prepared in accordance with this

Section.

5. A license authorizes the licensee to conduct raffles or poker runs as defined in this Section.
  6. The following are ineligible for any license under this Section:
    - (i) Any person who has been convicted of a felony;
    - (ii) Any person who is or has been a professional gambler or professional gambling promoter;
    - (iii) Any person who is not of good moral character;
    - (iv) Any organization in which a person defined in a, b or c has a proprietary, equitable or credit interest, or in which such a person is active or employed;
    - (v) Any organization in which a person defined in a, b or c is an officer, director, or employee, whether compensated or not; and
    - (vi) Any organization in which a person defined in a, b or c is to participate in the management or operation of a raffle as defined in this Section.
- (d) Fee: The license fee for all applicants shall be \$0.00.*(Ord. 2019-05)*
- (e) Limitations: Conditions and limitations on the conduct of raffles in the Village are placed as follows, except as may be otherwise approved by the Board of Trustees:
1. Aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle is twenty thousand dollars (\$20,000.00).
  2. The maximum retail value of each prize awarded by a licensee in a single raffle is twenty thousand dollars (\$20,000.00).
  3. The maximum price which may be charged for each raffle chance issued or sold is two hundred dollars (\$200.00).
- (f) Issuance of License:
1. The Village Clerk shall review all raffle license applications and shall, within 30 days from the date of application, accept or reject a raffle license application. If an application is accepted a license shall be issued and, for a single raffle event, shall be valid for a period of 60 days from and after its issuance unless the Village President specifically authorizes a license for a longer period, but in no case for more than 120 days; and for on-going raffles as defined herein, shall be valid for the specified period not to exceed one year. *(Ord. 2017-01)*

2. A raffle license shall show the following:
  - (i) The area or areas in which raffle chances may be sold or issued;
  - (ii) The period of time during which the raffle chances may be sold or issued;
  - (iii) The maximum price which may be charged for each raffle chance issued or sold; and
  - (iv) The date, time and location on or at which winning chances will be determined.
3. Said license shall be prominently displayed at the time and location of the determination of the winning chances.
4. A license shall be valid for one raffle or for an on-going raffle as defined herein.

(g) Conduct of Raffles and Poker Runs: The conducting of raffles and poker runs is subject to the following restrictions:

1. The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
2. No person except a bona fide director, officer, employee, or member of the sponsoring organization may manage or participate in the management of the raffle or poker run. No person may receive any remuneration or profit for managing or participating in the management of the raffle or poker run. Sponsoring organizations may contract with third parties who, acting at the direction of and under the supervision of the sponsor in organization, provide bona fide services to the sponsoring organization in connection with the operation of a raffle and may pay reasonable compensation for services. Such services include the following: (a) advertising, marketing and promotion, (b) legal, (c) procurement of goods, prizes, wares and merchandise for the purpose of operating the raffle, (d) rent, if the premises upon which the raffle will be held is rented, (e) accounting, auditing and bookkeeping, (f) website hosting, (g) mailing and delivery (h) banking and payment processing, and (i) other services relating to the operation of the raffle.
3. A licensee may rent a premises on which to determine the winning chance or chances in a raffle provided that the rent is not determined as a percentage of receipts or profits from the raffle.
4. Raffle chances may be sold throughout the State, including beyond the borders of the licensing municipality or county. Winning chances may be determined only at those locations specified on the license for a raffle.

5. A person under the age of 18 years may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(h) If a lessor rents a premises where a winning chance or chances on a raffle or winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the Village under the provisions of this Section and Code.

(i) Manager; Bond: All management, operation, and conduct of raffles shall be under the supervision of a single manager designated by the organization. The manager shall give a fidelity bond in an amount of \$25,000.00. Terms of the bond shall provide that notice shall be given in writing to the Village not less than 30 days prior to its cancellation. The Village may modify or waive this bond requirement by including a waiver provision in the license issued to an organization under this Section, provided that a license containing such waiver provision shall be granted only by the affirmative vote of the requisite number of members of the licensed organization or, if the licensed organization does not have members, of members of the governing board of the organization, to constitute and affirmative action of the licensed organization. Nothing in this Section shall be deemed to apply to poker runs. *(Ord. 2017-17; 2019-05)*

(j) Records:

1. Each organization licensed to conduct raffles and chances or poker run events shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
2. Gross receipts from the operation of raffles or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Illinois Department of Revenue, and placed in a separate account. Each organization shall have separate records of its raffles and poker runs. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.
3. Each organization licensed to conduct raffles or poker runs shall report promptly after the conclusion of each raffle or poker run to its membership or, if the organization does not have members, to its governing board. Each organization licensed to conduct raffles shall report promptly to the Village its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required in this Section.

4. Records required by this Section shall be preserved for 3 years, and organizations shall make available their records relating to operation of raffles or poker runs for public inspection at reasonable times and places.

(k) Violation of any provision of this Section is a Class C misdemeanor. Nothing in this Section shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles or poker runs as provided for herein.

The imposition of penalties herein prescribed shall not preclude the Village from instituting appropriate action to prevent unlawful raffles or poker runs or to restrain, enjoin, correct or abate a violation of this Section or of the conditions of the license issued pursuant hereto.

#### **21.16 GARAGE SALES.**

(a) Definition: The term “Garage Sale” shall be defined as all sales of miscellaneous merchandise to the public, including but not limited to, household furnishings, appliances, tools, clothing and equipment. The term garage sale shall further include sales commonly known as rummage and yard sales.

(b) Restrictions: No individual garage sale shall run more than four consecutive days and no more than four days in any ninety (90) day period.

(c) Penalties: Any individual violating the terms and provisions of this section shall be fined pursuant to Appendix A of this Code. (*Ord. 2012-07*)

**21.17 PROHIBITED BUSINESSES.** The following types of businesses are prohibited within the corporate limits of the Village of Richmond.

- (a) Firearms Sales and/or Service (*Ord. 2002-15*)

**21.18 ADMINISTRATIVE FEE.** Payment by credit card of any Village permit, fee, license, or any other charge or fee imposed by Village Ordinance in the amount of \$1,000 or greater shall require the payer to pay an administrative fee to the Village in the amount of 3% of the amount being paid. (*Ord. 2002-33*)

## CHAPTER 22 SOLICITORS

(Ord. 2019-08)

- 22.01 Definitions
- 22.02 Registration of Solicitors
- 22.03 Application for Certificate of Registration
- 22.04 Fingerprinting
- 22.05 Fee
- 22.06 Record Keeping
- 22.07 Denial of Certificate of Registration
- 22.08 Issuance and Revocation of Certificate
- 22.09 Policy on Soliciting
- 22.10 Notice Regulating Soliciting
- 22.11 Duty of Solicitors
- 22.12 Hours of Soliciting
- 22.13 Penalty

**22.01 DEFINITIONS.** Terms used in this chapter mean as follows:

Soliciting: Any one or more of the following activities constitute the act of soliciting:

- (a) Seeking to obtain orders, including but not limited to the distribution of coupons, for goods, wares, merchandise, foodstuffs, home repairs, services of any kind, character or description whatever, for any kind of consideration whatever, or
- (b) Seeking to obtain prospective customers for application or purchase of insurance of any type, or kind or character; or
- (c) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

Residence: Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Registered Solicitor: Any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor on his person while engaged in soliciting.

**22.02 REGISTRATION OF SOLICITORS.** Every person, other than a charitable or non-profit association, organization, corporation or project formally organized as such under the laws of the State of Illinois or any other State, desiring to engage in soliciting as herein defined from persons in residences within this village, is hereby required to make written application for a certificate of registration as hereinafter provided.

**22.03 APPLICATION FOR CERTIFICATE OF REGISTRATION.**

- (a) Application for a Certificate of Registration shall be made upon a form provided by the Village Clerk and filed with the Village Clerk. The applicant shall truthfully state in full the information requested on the application and provide the following information:

1. Name and address of present place of residence and business address if other than residence address.
2. Physical description of the applicant, by way of a state-issued photo identification, and description of applicant's vehicle including its license plate number.
3. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents.
4. Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.
5. Period of time for which the certificate is applied for.
6. A statement of whether the applicant was ever convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States.
7. Such additional information as the Village Clerk or Chief of Police may deem necessary to process the application.

(b) All statements made by the applicant upon the application or in connection therewith shall be under oath.

**22.04 FINGERPRINTING.** Every applicant shall submit to fingerprinting by the Police Department in connection with the application for certificate. Each applicant shall pay the cost of fingerprinting for each person who is required to be fingerprinted under this ordinance.

**22.05 FEE.** The fee for a certificate of registration is \$50.00 for 1 day, excluding Sundays and holidays, for each individual seeking to engage in soliciting within the Village.

**22.06 RECORD KEEPING.** The Village Clerk shall keep an accurate record of every applicant received and acted upon, together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

**22.07 DENIAL OF CERTIFICATE OF REGISTRATION.** No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States, within 5 years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

**22.08 ISSUANCE AND REVOCATION OF CERTIFICATE.**

(a) The Village Clerk, in consultation with the Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such certificate as herein required, and that the issuance of a certificate of registration to the applicant does not meet the requirements of this chapter. The Chief of Police shall make enforcement upon the application of the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith. The certificate of registration shall state the expiration date thereof and shall not be transferable.

(b) Any certificate of registration issued shall be revoked by the Village Clerk if the holder of the certificate violates this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration. Immediately upon such revocation, written notice hereof shall be given by the Village Clerk to the holder of the certificate in person, or by certified U.S. mail addressed to his/her residence address set forth in the application. Immediately upon the mailing of such notice, the certificate of registration shall become null and void.

**22.09 POLICY ON SOLICITING.** It is the policy of the Board of Trustees that the occupant(s) of the residences in this Village shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

**22.10 NOTICE REGULATING SOLICITING.**

(a) Notice of the refusal of invitation of solicitors, to any residence, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, or for multi-family residences at the public entrance(s) to the property, indicating the determination by the property owner, containing the applicable words, as follows:

“NO SOLICITORS”

(b) Sign providing notice that solicitors are not allowed shall be rectangular in shape and of a size allowing for letters that are at least one half inch in height. Signs can be picked up at the Village Hall.

(c) The notice so exhibited shall constitute sufficient notice to any solicitor of the determination of the occupant.

**22.11 DUTY OF SOLICITORS.**

(a) It shall be the duty of every solicitor upon going onto any premises in the Village, upon which a residence as herein defined is located, to first determine whether the notice provided for in Section 22.10 is posted. If the notice states, "No Solicitors" then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(b) Any solicitor who has gained entrance to any residence, whether or not invited, shall immediately and peacefully depart from the premises when requested to do so by the resident.

(c) The certificate shall be kept with the solicitor during the time that he or she is engaged in soliciting and presented upon request.

**22.12 HOURS OF SOLICITING.** It is unlawful and shall constitute a nuisance for any person whether having a certificate under this chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting, prior to 9:00 a.m. or after 5:00 p.m. of any week day or Saturday, or at any time on a Sunday or on a state or national holiday.

**22.13 PENALTY.** Any person, organization, or corporation which solicits without obtaining a certificate, as required under this chapter, or is otherwise in violation of this chapter, shall be fined pursuant to Appendix A of this Code. In addition, any person, organization or corporation found to be in violation of the chapter shall also be required, in addition to said fine, to pay to the Village the license fee of \$50.00 for 1 day. Each day that a person, organization or corporation found to be without a certificate or solicits or allows someone to solicit in violation of this chapter shall be considered a separate and distinct offense. Any person, firm, corporation or other business entity which violates this chapter and engages in soliciting without a certificate of registration shall be ineligible for a building permit or any other permit issued by the Village for a period of 30 days after the violation. No person who has been issued a building permit or any other permit issued by the Village shall employ or allow a person, firm, corporation or other business entity who has violated this chapter and engaged in soliciting without a certificate of registration to do any work authorized by a building permit issued by the Village for a period of 30 days after the violation.

## CHAPTER 23 LIQUOR

- 23.01 Definitions (*Ord. 2016-21; 2017-14; 2021-17*)
- 23.02 Licenses Required
- 23.03 License Classifications; Fees; Number of Licenses (*Ord. 2016-20; 2016-21; 2017-14; 2018-03; 2021-17; 2023-08*)
- 23.04 Applications for Licenses
- 23.05 Expiration of Licenses, Prorating Fees
- 23.06 Licenses; Conditions, Revocation, Forfeiture
- 23.07 Licenses; Restrictions on Licenses
- 23.08 Location (*Ord. 2018-18; 2021-11; 2023-12*)
- 23.09 Licenses; Restrictions as to Premises
- 23.10 Licenses; Transfer and Renewal
- 23.11 License; Change of Location
- 23.12 Sale of Business
- 23.13 Records of Licenses
- 23.14 Premises; Change of Entrance
- 23.15 Consumption on Premises
- 23.16 Closing Hours
- 23.17 Curb or Outside Service
- 23.18 Persons not to be Employed
- 23.19 Employment of Aliens; Certificate of Health
- 23.20 Employment of Minors
- 23.21 Contagious Diseases
- 23.22 Cleanliness of Premises
- 23.23 Cleanliness of Utensils
- 23.24 Inspections
- 23.25 Minors Loitering
- 23.26 Sales to Minors, Drunkards, Etc.
- 23.27 Sales on Credit
- 23.28 Disorderly House
- 23.29 Prohibited Places of Drinking
- 23.30 Gambling Prohibited
- 23.31 Gaming Houses
- 23.32 Rest Rooms
- 23.33 Revocation of License
- 23.34 Video Gaming Terminals (*Ord. 2012-15; 2022-02; 2022-11*)
- 23.35 Penalties (*Ord. 2012-15*)

**23.01 DEFINITIONS.** Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the definitions given below:

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

Alcoholic liquor: Alcoholic liquor includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. (*Ord. 2016-21*)

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

Bowling alley: A recreational area or facility contained within a building and so constructed as to permit the public to engage in the recreational form commonly known as bowling and constructed primarily for use in connection with such recreational pursuit.

Caterer Retailer: A person who serves alcoholic liquor for consumption off site of the licensed premises. *(Ord. 2017-14)*

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 and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guest; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this Act two copies of a list of names and residences of its members, and similarly files with 10 days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club. *(Ord. 2016-21)*

Commissioner or Liquor Commissioner: The Local Liquor Control Commissioner as defined in 235 ILCS 5/4-2. *(Ord. 2012-15)*

Country club: A recreational area with buildings or structures used in conjunction therewith for the primary use of members and their guests as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction, with recreational pursuits or games, e.g. golf, tennis, etc.

Delivery: The movement of alcoholic liquor purchased from a licensed retailer to a consumer through the following methods:

- (a) delivery within licensed retailer's parking lot, including curbside, for pickup by the consumer;
- (b) delivery by an owner, officer, director, shareholder, or employee of the licensed retailer; or
- (c) delivery by a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquors.

Delivery shall not include the use of common carriers and must take place within 12 hours from the time the alcoholic liquor leaves the retailer. *(Ord. 2021-17)*

Golf course: A recreational area with or without clubhouse facilities primarily for the use of members and their guests or the general public as the case may be, engaging in a form of recreation or game commonly known as golf.

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 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity. All public dining rooms, banquet rooms, meeting rooms, room service areas, mini-bars, and other locations within or adjacent to a hotel in which alcoholic liquors are stored, offered for sale, or sold at retail shall be considered part of the hotel's licensed premises if those locations within or adjacent to the hotel are owned and managed by the hotel operator. *(Ord. 2016-21)*

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

Package store: Every building or other structure kept, used, maintained, advertised and held up to the public where alcoholic liquors are sold at retail, not for medicinal purposes and not for consumption on the premises, in the original and unbroken packages only.

Premises: The interior of a building having a valid occupancy permit. *(Ord. 2007-10)*

Restaurant: Any public place kept, used, and maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. *(Ord. 2016-21)*

Retail sale: This sale for use or consumption and not for resale in any form.

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

Shipping: The movement of alcoholic liquor from a licensed retailer to a consumer via a common carrier. A common carrier in this context includes carriers of mail, packages, etc. Shipping is restricted to persons 21 or older and the limits on wine shippers licenses apply. *(Ord. 2021-17)*

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

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

**23.02 LICENSES REQUIRED.** It shall be unlawful for any person to engage in the business or occupation of the retail sale of alcoholic liquor without first having obtained a license therefor in accordance with the terms and provisions of this chapter. No person shall be deemed fully licensed until a license has been actually issued and delivered to the applicant therefor. A separate license shall be required for each location, place or premises where such business or occupation is proposed to be carried on, whether or not under the same roof or on the same premises, or at the same street address, provided that nothing herein contained shall be construed as to prevent any hotel or club licensed under the provisions of this section from serving alcoholic liquors to its guests or members in any room of such licensed hotel or club, if such liquor so served shall be kept in and served from a licensed location, place or premises, in said hotel or club, and further if the serving of such liquor is not in violation of this chapter.

**23.03 LICENSE CLASSIFICATIONS; FEES; NUMBER OF LICENSES.** Shall conform with sub-section 28.8 of the Illinois Liquor Control Act (235 ILCS 5/6-28.8). (*Ord. 2021-17*)

- (a) Classes: Liquor licenses shall be divided into the following classes:
1. Class A shall only permit the retail sale of alcoholic liquor for consumption either on or off the licensed premises.
  2. Class A-1 shall permit, in a restaurant with an existing Class A license, the service and consumption of open alcohol on the outdoor premises in which the business lawfully operates otherwise in conformity with the requirements of the existing Class A license and the Municipal Code. (*Ord. 2016-08*)
  3. Class B shall only permit the retail sale of alcohol liquor for consumption only on the licensed premises.
  4. Class B-1 shall permit product sampling, subject to the following:
    - (i) The total quantity of the sampling package, regardless of the number of containers in which the alcoholic liquor is being served, shall not exceed one ounce of distilled spirits, four ounces of wine or 16 ounces of beer.
    - (ii) Product sampling shall not be in violation of 235 ILCS 5/6-28(b) and (c) regarding happy hours.
    - (iii) Possess a current Class A or Class B license.
  5. Class B-2 shall permit, in a restaurant with an existing Class B license, the service and consumption of open alcohol either:
    - (i) On the outdoor premises in which the business lawfully operates otherwise in conformity with the requirements of the existing Class B license and the Municipal Code, or

- (ii) On the public sidewalk adjacent to the specified premises. The terms and conditions of any Class B-2 license include such rules regarding the sale of alcoholic liquor as shall generally apply under the ordinances of the village along with the following rules which apply to consumption and service on public sidewalks:
  - A. All liquor service shall cease no later than ten (10:00) P.M., and liquor consumption shall cease no later than ten thirty (10:30) P.M.; and
  - B. Patrons shall be seated at the tables on the public sidewalk when consuming alcohol, which shall be served only by a server from the restaurant; and
  - C. There shall be no carryout service, and beer, wine and liquor shall not be served in bottles; and
  - D. Service of alcohol shall be incidental to the service of meals and shall only take place for patrons ordering meals or appetizers; and
  - E. Annual approval of the layout and maximum number of tables and chairs shall be by the local liquor control commissioner; and
  - F. Construction and maintenance of a separation of the service area from a reasonable area left remaining for pedestrian traffic by a wall, fence, divider, chain or other device as shall be approved by the local liquor control commissioner; the Class B-2 license shall expire November 1 of each calendar year. To qualify for a B-2 public sidewalk license, an applicant must first be issued and hold a Class B license (the basic license). The B-2 license is supplemental to and in addition to the basic license and does not replace the basic license. *(Ord. 2016-08; 2018-03; 2023-08)*
- 6. Class C shall permit the retail sale of only distilled spirits (beer and wine) for consumption on the licensed premises.
- 7. Class C-1 shall permit, in a retail establishment with an existing Class C license, the service and consumption of open distilled spirits (beer and wine) on the outdoor premises. The terms and conditions of any Class C-1 license include such rules regarding the sale of beer and wine as shall generally apply under the ordinances of the village, long with the following:
  - (i) All liquor service shall cease no later than ten (10:00) P.M., and liquor consumption shall cease no later than ten thirty (10:30) P.M.
  - (ii) Patrons shall be within the designated areas when consuming alcohol, which shall be served only by a server from the retail establishment.

- (iii) There shall be no carryout service.
  - (iv) Service of alcohol shall be incidental to retail sales and/or services.
  - (v) Annual approval of the layout of the designated area shall be by the local liquor control commissioner.
  - (vi) Construction and maintenance of such separation of the service area by a wall, fence, divider, chain or other device shall be approved by the local liquor control commissioner; the Class C-1 license shall expire November 1 of each calendar year. To qualify for a C-1 license, an applicant must first be issued and holds a Class C license (the basic license). The C-1 license is supplemental to and in addition to the basic license and does not replace the basic license. *(Ord. 2023-08)*
8. Class D shall authorize the retail sale of packaged alcoholic liquor for consumption off the licensed premises where more than 50 percent of the public sales area of said premises is devoted to alcoholic liquor.
  9. Class D-1 shall permit product sampling served to a consumer in one day of up to three samples, consisting of no more than:
    - (i) one-quarter ounce of distilled spirits; or
    - (ii) one ounce of wine, or
    - (iii) two ounces of beer on the licensed premises.
  10. Class D-2 shall authorize the retail sale of packaged alcoholic liquor for consumption off the licensed premises where more than 50 percent of the public sales area for such premises is devoted to goods and commodities other than alcoholic liquor.
  11. Class E shall permit, in a restaurant, the operation of a microbrewery and the retail sale, for consumption off the licensed premises, of packaged spirits (beer) produced on the premises, and the retail sale of alcoholic liquor for consumption on the licensed premises.
  12. Class F shall be issued only to a business that is a caterer retailer. The Class F license authorizes the sale of alcoholic beverages consumed at a catered event conducted off the premises of the licensee. All beverage sales made shall be taxed as if made at the licensee’s licensed premises. *(Ord. 2017-14)*

(b) Number of Licenses Issued; License Fees: *(11/3/2016) (Ord. 2017-14; 2018-03 2023-08)*

Liquor License Classification	License Fee	Maximum Number of Licenses Available
Class A	\$1,800	10 license(s)
Class A-1	\$200	1 license(s)
Class B	\$1,275	12 license(s)

Class B-1	\$350	0 license(s)
Class B-2	\$200	4 license(s)
Class C	\$1,000	5 license(s)
Class C-1	\$200	1 license(s)
Class D	\$1,100	0 license(s)
Class D-1	\$350	0 license(s)
Class D-2	\$800	0 license(s)
Class E	\$1,275	0 license(s)
Class F	\$1,000	0 license(s)

Upon issuance of a local liquor license by the Local Liquor Control Commissioner with the approval of the Village Board the Village Clerk is hereby directed to amend this subsection of the Village Code to increase the number of liquor licenses accordingly. Any time a license issued is revoked or voluntarily surrendered; the Village Clerk is hereby directed to amend this subsection of the Village Code to reduce the number of authorized licenses in such classification accordingly. (*Ord. 2016-21*)

(c) Special Event Permit: The Commissioner may grant a special event permit to any non-profit organization or club located within the Village, such as a church, order or lodge, veterans organization, civic organization or other similar organization, authorizing the sale of alcoholic beverages approved by the Commissioner at any picnic, club or similar function sponsored by such organization or club or similar function sponsored by such organization or club. The following restrictions are applicable for a special event permit:

1. No more than two such special event permits shall be issued to any one such organization or club during a one-year period. An event shall be limited to no more than three consecutive days.
2. A permit fee of \$100 per day shall be payable by the permittee upon the issuance of a special event permit.
3. All sales and consumption pursuant to the special event permit issued in accordance with this Section 23.03(c) shall be conducted within an enclosed area; such area shall have only one combined and controlled entrance and exit area and shall be adequately lighted.
4. Any alcoholic beverages sold pursuant to a special event permit must be consumed within the area described in the permit.
5. All sales and consumption pursuant to the special event permit shall be conducted only during the hours specified on the permit.
6. Unless specifically provided otherwise, all requirements of this Chapter 23 shall apply to permits granted under this Section 23.03(c).
7. Proof of receiving a state special event retailer's liquor license shall be required prior to the event.

(d) Special Use Permit: The Commissioner may issue a special use permit to an Illinois-licensed liquor retailer to transfer a portion of its inventory approved by the Commissioner from its

licensed retail premises to a designated site for a special event authorizing the sale of alcoholic beverages. The following restrictions shall be applicable to a special use permit:

1. A special use permit must be obtained for each location and cannot exceed three days in duration.
2. A permit fee of \$100 per day shall be payable by the permittee upon the issuance of a special use permit.
3. All sales and consumption pursuant to the special use permit issued in accordance with this Section 23.03(d) shall be conducted within an enclosed area; such area shall have only one combined and controlled entrance and exit area and shall be adequately lighted.
4. Any alcoholic beverages approved by the Commissioner sold pursuant to a special use permit shall only be consumed within the area described in the permit.
5. All sales and consumption pursuant to the special use permit shall be conducted only during the hours specified on the permit.
6. Unless specifically provided otherwise, all requirements of this Chapter 23 shall apply to permits granted under this Section 23.03(d).
7. Proof of receiving a state special use permit liquor license shall be required prior to the event.

(e) Outdoor Consumption Permit: The Commissioner may permit outdoor consumption of alcoholic liquor limited to any licensee in an outdoor area contiguous to and accessible from the Premises subject to the following restrictions: *(Ord. 2007-10)*

1. The permit shall be limited to not more than 15 consecutive or nonconsecutive days per calendar year.
2. The outdoor area shall i) be contiguous to the Premises; ii) not include any public right of way or sidewalk areas; iii) shall not be closer than 25 feet to any public street.
3. The outdoor area shall prevent patrons from exiting the permitted area with alcoholic liquor or passing alcoholic liquor outside of the permitted area.
4. Application for the outdoor consumption permit shall include the proposed layout of the outside area, security, hours, lighting and description of amplification of music to be played (“Proposed Plans”).
5. The Commissioner shall have the right to modify or restrict any of the Proposed Plans for the health, safety and welfare of the public.
6. A permit fee of \$20.00 per day shall be paid at the time the outdoor use permit is issued.

7. The outside consumption permit may be suspended by the Chief of Police if it is determined that a public disturbance has been created. The suspension shall be reviewed by the Commissioner, upon written request by the licensee. Upon review, the suspension may be reversed, extended or the permit and/or the license may be revoked pursuant to Section 23.33 herein.

(f) Beer Garden: Class A, B, C and E permit holders shall be permitted to allow consumption of alcoholic liquor sold at retail both in the Premises and interior and in an adjoining contiguous exterior area, subject to the following conditions being maintained by the licensee: (Ord. 2007-10)

1. The outside area shall be enclosed by a wall, fence or structure designed to be decorative and to prevent unauthorized entry. The maximum height of such fence or wall shall be eight feet.
2. The outside area shall have ingress and egress only for emergency purposes and for handicap accessibility.
3. The outside area shall not have a covered roof, although umbrellas, awnings, screening and the like may be allowed, and a limited roof structure may be permitted over any service bar.
4. A service bar or service window for the service of alcoholic beverages may be permitted in the outside area.
5. The operation of any sound amplification equipment including, but not limited to loudspeaker systems, jukeboxes, amplified radio broadcasts and the like, operating in the outside area of the licensed premises, shall be limited to the time period between 12 noon and 10:30 p.m. local time Sunday through Thursday and 12 noon to 12 midnight local time Friday and Saturday.
6. Outside meal seating will be permitted; however, no alcohol shall be served or consumed in the outside seating area later than 12 midnight Sunday through Thursday and 1 a.m. Friday and Saturday.
7. The outside area seating capacity, when combined with the indoor seating capacity, shall meet the requirements of the Illinois Plumbing Code and Village plumbing ordinances with regard to restroom facilities.
8. The use of the outside area may be suspended by the Chief of Police if it is determined that a public disturbance has been created. The suspension shall be reviewed by the Commissioner, upon written request by the licensee. Upon review, the suspension may be reversed, extended or the beer garden permit and/or the licensee may be revoked pursuant to Section 23.33 herein.
9. Such other requirements as may reasonably be imposed by the Commissioner, taking into account the unique circumstances of the licensee's premises and location.

(g) Delivery of Alcoholic Liquor: Effective January 1, 2022, through August 1, 2028, all licensed retailers in the Village are permitted to sell and deliver alcoholic liquor to purchasers for use or consumption. (*Ord. 2021-17; 2023-12*)

**23.04 APPLICATIONS FOR LICENSES.** Each applicant for license as provided under Section 23.03 of this Chapter shall submit an application therefor, said application to be accompanied by the annual license fee together with a certificate of dram shop insurance coverage, to be maintained for the period of the license. (*Ord. 1988-4*)

**23.05 EXPIRATION OF LICENSES, PRORATING FEES.** All licenses provided for by this chapter shall terminate and expire on April 30 next after the issuance thereof. In the event that application for license is made after the first day of any month, the applicant is entitled to receive a license for the number of months intervening between the date of application and the last day of April, prorated, but fractions of a month shall be counted as a whole month, all licenses to be dated and payable from the first of the month.

**23.06 LICENSES; CONDITIONS, REVOCATION, FORFEITURE.** All licenses issued in pursuance of this chapter shall contain the recital and express condition that the person on accepting the same does so subject to all the provisions of this chapter, and of any and all ordinances of the Village of Richmond, and any person licensed under the provisions of this chapter who shall be convicted of a violation under this chapter, before any court, shall there by forfeit such license, and license shall be from and after such conviction absolutely null and void, and such license shall not be deemed continued or kept in force by reason of any appeal from the judgment rendered upon such conviction; and the person holding, or to whom was issued, any such license which shall have been forfeited, shall also forfeit to the Village of Richmond all sums of money paid in advance for such license.

**23.07 LICENSES; RESTRICTIONS ON LICENSES.** Issuance of licenses to certain persons shall be prohibited in accordance with 235 ILCS 5/6-2. (*Ord. 2007-1*)

**23.08 LOCATION.** No license shall be issued under the terms and conditions of this chapter for the sale at retail of any alcoholic liquor within a distance of 100 feet of any church, school, or hospital. No person shall hereafter engage in the business of retailer of any alcoholic liquor within a distance of 100 feet of any undertaking establishment or mortuary. Notwithstanding any provision of this section to the contrary, the Village local liquor control commissioner may, in his discretion, based on the circumstances, grant an exemption to the prohibition in this paragraph. No license shall be issued for the sale of alcoholic liquor in the Historic Overlay District of the Village where more than 50% of gross sales, are generated from transactions not subject to retail sales tax. All liquor license holders shall provide, to the Local Liquor Control Commissioner and/or his designee, upon request, all documents deemed necessary to audit the revenue of the business to determine compliance with this restriction. Failure for the liquor license holders to produce said records to the Local Liquor Control Commissioner and/or his designee upon request, shall constitute grounds to suspend (with or without a fine) or revoke the applicable liquor license. This 50% restriction does not apply to licensees existing at the time of the adoption of this regulation (August 19, 2021). (*Ord. 2018-18; 2021-11*)

**23.09 LICENSES; RESTRICTIONS AS TO PREMISES.** No license for the sale of alcoholic liquor shall be granted from the Premises of any residential property use. (*Ord. 2007-10*)

**23.10 LICENSES; TRANSFER AND RENEWAL.**

(a) All licenses issued hereunder shall be a purely personal privilege, good for not to exceed one year after their issuance, unless sooner revoked as in this chapter provided, and shall not constitute personal property of the holders thereof, nor shall they be subject to attachment, garnishment, or execution, nor shall they be alienable or transferable, voluntarily or involuntarily, or subject to being pledged, mortgaged or otherwise encumbered or hypothecated. Such licenses shall not pass or descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee or receiver of any insolvent or bankrupt licensee, which such estate consists in part of alcoholic liquors, under order of the appropriate court, may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license. A prorata refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

(b) Any licensee may renew his license at the expiration thereof provided such applicant or applicants are then qualified to receive a license and the premises for which such renewal is sought are suitable for such purposes; and provided further that the renewal period herein provided for shall not be construed as a vested right.

(c) Any licensee who, during the term of his license, ceases doing business in the licensed premises for a period in excess of 45 consecutive days shall thereupon be subject to revocation of said license by reason of such cessation of doing business for said 45 consecutive day period.

**23.11 LICENSE; CHANGE OF LOCATION.** Any retail liquor dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed upon the written permit to make such change issued by the Liquor Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquors under the laws of this state and this chapter.

**23.12 SALE OF BUSINESS.** On the sale of any business licensed under this chapter, the Liquor Commissioner may, upon surrender of the original license, issue a new license to the vendee thereof for the unexpired period of the original license; provided, however, that such vendee shall first comply with all of the laws of this State and this Chapter.

**23.13 RECORDS OF LICENSES.** The Liquor Commissioner shall keep a complete record of all licenses issued under the terms of this Chapter.

**23.14 PREMISES; CHANGE OF ENTRANCE.** No change shall be made of and premises licenses hereunder with reference to entrances after the license has been issued, without the written approval and consent of the Liquor Commissioner.

**23.15 CONSUMPTION ON PREMISES.** No person conducting a business within the village limits to whom a license as provided in this chapter has not been issued, shall sell, and offer to sell, or permit to be sold any alcoholic liquor on the premises where said business is conducted.

**23.16 CLOSING HOURS.** It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village of Richmond between the hours of 1:00 a.m. and 6:00 a.m. of any day except Saturday and Sunday, and on Saturday and Sunday it shall be unlawful to sell or offer for sale at retail alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. On January 1 of any year it shall be unlawful to

sell or offer for sale at retail any alcoholic liquor between the hours of 4:00 a.m. and 6:00 a.m. It shall be unlawful to keep open for business or to admit the public to any premises in or upon which alcoholic liquor is sold at retail during the hours within which the sale of such liquor is prohibited.

**23.17 CURB OR OUTDOOR SERVICE.** Except as specifically permitted herein, no curb service or outdoor sale of alcoholic liquor shall be carried on in connection with the Premises for which a license has been issued for the sale of alcoholic liquor for consumption upon the Premises; neither upon the public street or private property contiguous to such Premises so licensed. (*Ord. 2007-10*)

**23.18 PERSONS NOT TO BE EMPLOYED.** It shall be unlawful to knowingly employ in any premises used for the retail sale of alcoholic liquor any person in any capacity whatsoever, who has been convicted of a felon, or any of the following misdemeanors or offenses, to-wit:

- (a) Carrying or possessing of a pistol, revolver or other dangerous weapon.
- (b) Making or possessing burglar instruments.
- (c) Buying or receiving stolen property.
- (d) Unlawful entry of a building.
- (e) Aiding or abetting in the escape of a felon from confinement.
- (f) Unlawfully possessing or distributing habit-forming narcotic

**23.19 EMPLOYMENT OF ALIENS; CERTIFICATE OF HEALTH.** It shall be unlawful for any person to tend bar in an establishment licensed hereunder who is not a citizen of the United States of America and who has not also given proof by a reputable physician as to the good health of such bartender to the Liquor Commissioner.

**23.20 EMPLOYMENT OF MINORS.** No person under the age of 18 years shall work as a bartender, or as a person who in any other manner serves, delivers or sells alcoholic liquor in any establishment licensed hereunder for the sale of alcoholic liquors; and regardless of whether the work is performed for hire or gratuitously.

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

**23.22 CLEANLINESS OF PREMISES.** It shall be the duty of every licensee hereunder to keep the premises where such business is carried on in a clean and properly sanitary condition. All persons employed or working in such premises shall be clean and cleanly attired. All utensils, appliances, vessels, receptacles, refrigerators, or any other places or things whatsoever which are used for the purpose of storage or otherwise, must be at all times kept in a clean, wholesome and sanitary condition.

**23.23 CLEANLINESS OF UTENSILS.** All utensils used in the preparation, service and sale of food and drink by any license holder hereunder shall be properly cleaned and sterilized after use with

hot water, steam, chemicals and/or methods as may be from time to time approved by the Liquor Commissioner, and no utensil shall under any circumstances be used the second time unless it shall have been after previous use thereof so cleaned and sterilized, and in such cleaning the use of water which has become unsanitary by previous use is prohibited.

**23.24 INSPECTIONS.** It shall be the duty of the Liquor Commissioner or anyone whom he may designate, and all of them are hereby authorized and empowered from time to time to inspect and examine such premises wherein a business is licensed hereunder. It shall be the duty of every license holder hereunder to permit such inspections to be made when required.

**23.25 MINORS LOITERING.** It shall be unlawful for any person licensed hereunder to suffer or permit any person of either sex under legal age, unaccompanied by his or her parents or guardian, to linger or loiter in or about the premises licensed hereunder.

**23.26 SALES TO MINORS, DRUNKARDS, ETC.**

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

(b) Repealed (*Ord. 1981-5*)

(c) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this section. The consumption of alcoholic liquor by any person under 21 years of age is forbidden. (*Ord.1979-18*)

The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this section.

(d) In every tavern or other place in the village where alcoholic liquor is sold, there shall be displayed at all times, in a prominent place, a printed card which shall be supplied by the Village Clerk, and which shall read substantially as follows:

**"Warning to Underage Persons**

**You are subject to a fine up to \$500 under the Village Code of the Village of Richmond, if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor. "**

(e) It shall be unlawful for any holder of a retail liquor dealer's license, or his or her agent or employee, to suffer or permit any underage person to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any underage person who is accompanied by his or her parent or guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

(f) It shall be unlawful for any parent or guardian to permit any underage person of which he or she may be the parent or guardian to violate any of the provisions of this section.

(g) In addition to all other fines and penalties, the Village President may suspend or revoke the retail liquor dealer's license for any violation of the above paragraph.

**23.27 SALES ON CREDIT.** It shall be unlawful for any person licensed hereunder to sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, or in exchange for any goods, wares, or merchandise, or in payment for any services rendered; and if any person shall extend credit for such purpose the debt thereby attempted to 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 of said club and charged to the account of such members or guests in accordance with the by-laws of said club.

**23.28 DISORDERLY HOUSE.** Every license holder hereunder shall at all times keep a good and orderly house and it shall be unlawful for any license holder to keep a noisy, disorderly, and ill-governed house in any place where such license holder is doing business under such license.

**23.29 PROHIBITED PLACES OF DRINKING.** No person shall in the Village of Richmond drink any alcoholic beverage in any street or alley, or in any publicly owned place, or in or upon any vehicle commonly used for transportation of passengers; and no person shall be drunk or intoxicated in any street, alley, or other public place.

**23.30 GAMBLING PROHIBITED.** No person licensed hereunder shall in or upon any premises described in said license suffer or permit any person or persons to play for money or other valuable thing at any cards, dice, chips, or with any other article or instrument or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money, or other thing or article of value, or shall suffer or permit any person or persons to bet on any game others may be playing, or shall keep or suffer to be kept in or upon said premises any implements such as are used in gambling in order that the same may for hire, gain, or reward be used for the purpose of gaming for money or other property, or suffer or permit any person to play at any unlawful game or sport therein. Notwithstanding the above, licensed video gaming as permitted pursuant to the Illinois Video Gaming Act (230 ILCS 40/1, et. seq.) and applicable regulations shall not constitute a violation of the Section. Any person violating this section shall be fined not less than \$100 for each offense, and in addition thereto, its liquor license shall be revoked. (*Ord. 2012-15*)



(c) Replacement of License: Whenever a licensed video gaming terminal is replaced during the fiscal year a replacement license must be purchased and a new license fee paid in the amount of \$10.00. (*Ord. 2022-11*)

(d) Issuance: The applicant must obtain proper state licenses and exhibit proof of said licenses prior to the issuance of a license pursuant to this Section. Upon approval of the application and payment of the license fee, the Village shall issue a stamp bearing the notation “Village of Richmond Video Gaming License for Fiscal Year 20 \_\_.” One license shall be issued for each licensed video gaming terminal and it shall be affixed in a conspicuous place and so affixed that it cannot be transferred from one video gaming terminal to another.

(e) Operation of Video Gaming Terminals: All such video gaming devices or terminals shall at all times be kept, placed, operated and monitored pursuant to State laws and applicable regulations.

(f) Revocation: In addition to any penalty imposed, the President and Board of Trustees may revoke a video gaming license for any violation of this Chapter or of any ordinance pertaining to the conduct of such business.

**23.35 PENALTIES.** Any person violating any provision of this Chapter shall be subject to a penalty pursuant to Appendix A of this Code. (*Ord. 2012-15*)

## CHAPTER 24 TAXES

- 24.01 Non-Home Rule Municipal Retailers' Occupation Tax *(Ord. 2025-02)*
- 24.02 Non-Home Rule Municipal Service Occupation Tax *(Ord. 2025-02)*
- 24.03 Locally Imposed and Administered Tax Rights and Responsibility *(Ord. 2001-2)*
- 24.04 Municipal Telecommunications Tax *(Ord. 2013-07)*
- 24.05 Municipal Gas Utility Tax *(Ord. 2013-04)*
- 24.06 Municipal Electric Utility Tax *(Ord. 2013-08)*
- 24.07 Municipal Cannabis Retailers' Occupation Tax *(Ord. 2019-24; 2022-13)*

### **24.01 NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX.** *(Ord. 2025-02)*

(a) Tax Imposed. A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state's government, at retail in the village municipality at the rate of 1% of the gross receipts from such sales made in the course of such business. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-1.3 of the Illinois Municipal Code (65 ILCS 5/8-11-1.3).

(b) Report. Every such person engaged in such business in the village shall file on or before the 20th day of each calendar month the report to the State Department of Revenue required by Section 3 of "An Act in Relation to a Tax Upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption," approved June 28, 1933, as amended, (35 ILCS 120/3) and shall file a duplicate of such report with the Village Clerk.

(c) Payment of Tax. At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

### **24.02 NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX.** *(Ord. 2025-02)*

(a) Tax Imposed. A tax is hereby imposed upon all persons engaged in the business of making sales of service in the village at the rate of 1% of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.4).

(b) Report. Every supplier or serviceman required to account for the Municipal Service Occupation Tax for the benefit of the village shall file, on or before the 20<sup>th</sup> day of each calendar month, the report to the State Department of Revenue required by Section 9 of the Service Occupation Tax Act, enacted by the Seventy-Second General Assembly, as amended (35 ILCS 115/9).

(c) Payment of Tax. At the time the report required above is filed, there shall be paid to the State Department of Revenue the amount of the tax hereby imposed.

### **24.03 LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITY.** *(Ord. 2001-2)*

(a) Definitions.

Act: The “Local Government Taxpayers’ Bill of Rights Act.

Corporate Authorities: The Village President and Board of Trustees.

Locally imposed and administered tax or tax: Each tax imposed by the Village that is collected or administered by the Village not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees.

Local tax administrator: The Village’s Comptroller is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator’s stead. The local tax administrator shall have the authority to implement the terms of this Section to give full effect to this Section. The exercise of such authority by the local tax administrator shall not be inconsistent with this Section and the Act.

Notice: Each audit notice, collection notice or other similar notice or communication in connection with each of the Village’s locally imposed and administered taxes.

Tax Ordinance: Each ordinance adopted by the Village that imposes any locally imposed and administered tax.

Taxpayer: Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the Village.

(b) Notices. Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven (7) calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator via first class or express mail, or overnight mail, addressed to the persons concerned at the persons’ last known address, or, personal service or delivery.

(c) Late Payment. Any notice, payment, remittance or other filing required to be made to the Village pursuant to any tax ordinance shall be considered late unless it is physically received by the Village on or before the due date, or received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date and properly addressed to the Village with adequate postage prepaid.

(d) Payment. Any payment or remittance received for a tax period shall be applied in the following order: first to the tax due for the applicable period; second to the interest due for the applicable period; and third to the penalty for the applicable period.

(e) Certain Credits and Refunds.

1. The Village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court

of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

2. The statute of limitations on a claim for credit or refund shall be four (4) or less years after the end of the calendar year in which payment in error was made. The Village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the Village.
3. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:
  - (i) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying the name of the locally imposed and administered tax subject to the claim; the tax period for the locally imposed and administered tax subject to the claim; the date of the tax payment subject to the claim and the cancelled check or receipt or the payment, the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and, a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be not refund and only a credit given in the event the taxpayer owes any monies to the Village.
  - (ii) Within ten (10) days of the receipt by the local tax administrator of any claim for a refund or credit the local tax administrator shall either grant the claim or deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
  - (iii) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 9% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

(f) Audit Procedure. Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Section.

1. Each notice of audit shall contain the following information: the tax; the time period of the audit; a brief description of the books and records to be made available for the auditor.
2. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the

taxpayer, another date and time may be requested by the taxpayer within thirty (30) days after the originally designated audit and during normal business hours.

3. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days or more than thirty (30) days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event the taxpayer is unable to comply with the audit on the date on the date in question, the taxpayer may request another date within the thirty (30) days, approved in writing that is convenient to the taxpayer and the local tax administrator.
4. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the Village.
5. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
6. If an audit determines there has been an overpayment of a locally imposed and administrated tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within thirty (30) days of the Village's determination of the amount of overpayment.
7. In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

(g) Appeal.

1. The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:
  - (i) The reason for the assessment; and
  - (ii) The amount of the tax liability proposed; and
  - (iii) The procedure for appealing the assessment; and

- (iv) The obligations of the Village during the audit, appeal, refund and collection process.
2. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within forty-five days (45) of receipt of the written notice of the tax determination and assessment.
3. If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.
4. If a written protest and petition for hearing is not filed within the forty-five (45) day period, the tax determination, audit or assessment shall be come a final bill due and owing without further notice.
5. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than ninety (90) days after the expiration of the forty-five (45) day period.

(h) Hearing.

1. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under paragraph (g) above, the local tax administrator shall conduct a hearing regarding any appeal.
2. No continuance shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed fourteen (14) days.
3. At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.
4. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a cop of the written decision.

(i) Interest and Penalties. In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

1. The Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be 9.0% per annum, based on a year of 365 days and the number of days elapsed.
2. If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

(j) Abatement. The local tax administrator shall have the authority to waive or abate late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

(k) Installment Contracts. The Village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) day period or fails to demonstrate good faith n restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

(l) Statute of Limitations. The Village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

1. No determination of tax due and owing may be issued more than 4 years maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
2. If any tax return is not filed or if during any 4 year period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than 75% of the tax due, the statute of limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

3. No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

(m) Voluntary Disclosure. For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent (1%) per month, for all periods prior to the filing for the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However any additional amounts owed as a result of an underpayment of tax and interest previously paid under this paragraph must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to be the local tax administrator, whichever is longer.

(n) Publication of Tax Ordinances. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

(o) The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall timely remove the lien at the Village's expense; correct the taxpayer's credit record; and correct any public disclosure of the improperly imposed lien.

**24.04 MUNICIPAL TELECOMMUNICATIONS TAX.** The Village hereby imposes a Municipal Telecommunications Tax of 6% of the gross charges for qualified telecommunications under the Act under the authority of the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1, *et seq.*). (*Ord. 2013-07*)

Said tax shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

**24.05 MUNICIPAL GAS UTILITY TAX.** (*Ord. 2013-04*)

(a) For the purposes of this Section the definitions found in 65 ILCS 5/8-11-2 shall be applicable:

(b) A tax is imposed on all 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 percent (5%) of the gross receipts therefrom.

(c) No tax is imposed by this Section 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 persons engaged in the business of distributing, supplying, furnishing or selling gas be subject to taxation under the provisions of this Section for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailers' Occupation Tax Act, authorized by 65 ILCS 5/8-11-1.

(d) Such tax shall be in addition to the payment of money, or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

(e) Beginning on or before the last day of May 2013, and on or before the last day of each month thereafter, each taxpayer shall make a return to the Village Clerk for the preceding month, stating:

1. Taxpayer's name; and
2. Taxpayer's principal place of business; and
3. Taxpayer's gross receipts during those months upon the basis of which the tax is imposed; and
4. Amount of tax; and
5. Such other reasonable and related information as the corporate authorities of the Village may require.

On or before the last day of every month thereafter, each taxpayer shall make a like return to the Village Clerk for a corresponding one month period.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village Clerk, the amount of tax herein imposed; provided that in 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.

(f) If it shall appear that an amount of tax has been paid which was not due under the provisions of this Ordinance, 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 Ordinance from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefore shall be so credited.

(g) No action to recover any amount of tax due under the provisions of this Ordinance shall be commenced more than three years after the due date of such amount.

(h) Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Ordinance is guilty of a misdemeanor and, upon

conviction thereof, shall be fined not less than \$100 nor more than \$750 and in addition shall be liable in a civil action for the amount of tax due. The Richmond Village Code Appendix A listing applicable fines shall be updated accordingly to reflect this amount.

**24.06 MUNICIPAL ELECTRIC UTILITY TAX.** *(Ord. 2013-08)*

(a) Definitions. For the purposes of this Section, the definitions found in 65 ILCS 5/8-11-2 shall be applicable:

(b) Tax Imposed; Implementation and Collection of Tax.

1. Pursuant to 65 ILCS 5/8-11-2 and any and all other applicable authority, a tax is hereby imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

Kilowatt Hours Used Or Consumed In A Month	Cents Per Kilowatt Hour
First 2,000	0.61
Next 48,000	0.40
Next 50,000	0.36
Next 400,000	0.35
Next 500,000	0.34
Next 2,000,000	0.32
Next 2,000,000	0.315
Next 5,000,000	0.31
Next 10,000,000	0.305
All in excess of 20,000,000	0.30

2. Collection of Tax

- (i) Subject to the provision in Section 24.06(c) regarding the delivery of electricity to resellers, the tax imposed under this Section shall be collected from the purchaser by the person maintaining a place of business in the State of Illinois who delivers electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid is recoverable in the same manner as the original charge for delivering the electricity.
- (ii) Any tax required to be collected by this Section and any such tax which is collected by a person delivering electricity shall constitute a debt owed to the Village by the person delivering the electricity; provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity, the charges for which are written off as uncollectible; and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax.

- (iii) Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent of the tax to reimburse the person delivering electricity for the expenses incurred in keeping records, billing customer, preparing and filing returns, remitting the tax and supplying data to the Village upon request. For purposes of this Section, any partial payment not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the Village. Persons delivering electricity who file returns pursuant to the provisions of this Section shall, at the time of filing such return, pay the village the amount of the tax collected pursuant to this Section.

(c) Exemption from Tax; Construction with Other Laws.

1. Electricity that is delivered to a person in the Village shall be considered to be for use and consumption by that person unless the person receiving the electricity has an active resale number issued by the Village (upon a request made to the Village by that person following provision to the Village of sufficient documentation) and furnishes that number to the person who delivers the electricity, and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.
2. The tax is in addition to all taxes, fees and other revenue measures imposed by the Village, the State of Illinois or any other political subdivision of the State of Illinois.
3. Notwithstanding any other provision of this Section, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or statutes of the United States or the Constitution or statutes of the State of Illinois.

(d) Tax Remittance and Return.

1. On a monthly basis every tax collector shall make and file a tax return in a form prescribed by the Village. The tax return shall be due on or before the last day of the month following the month during which the tax is collected or is required to be collected under Section 24.06(c). The tax collectors filing returns pursuant to this Section shall at the time of filing such return pay the Village the amount of the tax imposed by this Section.
2. If the person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax under Section 24.06(a), then the purchaser shall file a tax return in a form prescribed by the Village and pay the tax directly to the Village on or before the last day of the month following the month during which the electricity is used or consumed.

(e) Books and Records; Credits and Refunds; Penalties.

1. Every tax collector, and every taxpayer required to pay the tax imposed by this Section, shall keep accurate books and records of the business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this Section. The books and records shall be subject to and available for inspection at all times during business hours.
2. Notwithstanding any other provision in this Section, in order to permit sound fiscal planning and budgeting by the Village, no person shall be entitled to a refund of, or credit for, a tax imposed under this Section unless such person files a claim for refund or credit within one year after the date on which the tax was paid.
3. Any taxpayer subject to the tax imposed under this Section who fails to make a return, or who makes a fraudulent return, shall be subject to a fine of not less than \$100 or more than \$750. In addition to the fine herein set forth, such person shall be liable in a civil action for the amount of tax due and unpaid. The Richmond Village Code Appendix A listing applicable fines shall be updated accordingly to reflect this amount.

**24.07 MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX.** *(Ord. 2019-24)*

(a) Tax imposed; Rate.

1. A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the Village at the rate of 3% of the gross receipts from these sales made in the course of that business.  
*(Ord. 2022-13)*
2. The imposition of this tax is in accordance with the provisions of Section 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

(b) Collection of tax by retailers.

1. The tax imposed by this Section 24.07 shall be remitted by such retailer to the Illinois Department of Revenue. Any tax required to be collected pursuant to or as authorized by this Section 24.07 and any such tax collected by such retailer and required to be remitted to the Illinois Department of Revenue shall constitute a debt owed by the retailer to the State. A retailer may reimburse itself for its seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that seller is required to collect.
2. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this article.

**CHAPTER 25**  
**FOREIGN FIRE INSURANCE COMPANIES**

25.01 Tax Imposed

**25.01 TAX IMPOSED.** (a) All corporations, companies and associations, not incorporated under the laws of the State of Illinois and which now are or shall hereafter be engaged, in the Village of Richmond, in soliciting, effecting or writing fire insurance therein, shall pay to the Village Clerk on or before the 15th day of July of each year, a sum equal to two percent (2%) of the gross receipts of premiums received by such corporation, company or association, directly or through its representatives, agency or agents, for fire insurance business effected or agreed to be effected or transacted in the village. The sum above named shall be a tax or license fee upon all such corporations, companies or associations effecting, agreeing to effect or transacting such fire insurance business within the village.

(b) Every person who shall act in the Village of Richmond as agent or otherwise for or on behalf of such corporations, companies or associations, shall, on or before the 15th day of July of each year, render to the Village Clerk a full, true and just account, verified by his oath, of all the premiums which, during the year ending on each 1st day of July preceding such report, shall have been received by him or any other person for him in behalf of any such corporation, company or association and shall specify in said report the amounts received for fire insurance.

(c) Such agent or agents shall also pay to the Village Treasurer, at the time of rendering the aforesaid report, the amount of tax or license fee fixed by this section.

(d) If such account be not rendered on or before the day herein designated for that purpose, or if the charges shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business or insurance in the village until the said requisition shall have been fully complied with; but this provision shall not relieve any corporation, company or association from the payment of any risk that may be taken in violation hereof.

(e) Any and all sums so received under the provisions hereof shall form and constitute a fund to be paid by the Village Treasurer to the Treasurer of the Fire Department for the maintenance, use and benefit of the Fire Department.

(f) Any corporation, company or association, which shall fail to render the account or report provided for herein, or shall fail to pay the fee or tax herein required to be paid, shall upon conviction thereof, be fined pursuant to Appendix A of this Code. (*Ord. 2012-07*)

**CHAPTER 27**  
**BED AND BREAKFAST ESTABLISHMENTS**

*(Ord. 2006-38)*

- 27.01 Definitions
- 27.02 Standards
- 27.03 License Required
- 27.04 License Issuance and Renewal
- 27.05 License Revocation or Suspension

**27.01 DEFINITIONS.** The following words and phrases shall have the following meanings and are hereby defined as follows for this Chapter 27:

Bed and Breakfast Establishment: An Operator-occupied residence providing accommodations for a charge to the public with no more than 5 Guest Rooms for rent, in operation for more than 10 nights in a 12 month period. Breakfast may be provided to the guests only. Bed and Breakfast Establishments shall not include motels, hotels, boarding houses or food service establishments.

Operator: The owner of the Bed and Breakfast Establishment, or the owner's agent, who is required by this Act to reside in the Bed and Breakfast Establishment, or on contiguous property.

Guest Room: A sleeping room intended to serve no more than 2 transient guests per night.

**27.02 STANDARDS.** The standards for operating, licensing and inspecting Bed and Breakfast Establishments shall be pursuant to 50 ILCS 820/1 *et seq.*

**27.03 LICENSE REQUIRED.** No person shall operate a Bed and Breakfast Establishment without first having obtained a Village license. A license shall not be issued until the owner has obtained a conditional use permit (special use). A violation of any of the terms and conditions of the conditional use permit (special use) may be a cause for revocation or suspension of the license.

**27.04 LICENSE ISSUANCE AND RENEWAL.**

(a) No license shall be issued or renewed until the Bed and Breakfast Establishment facilities have been inspected and approved by the Village, the McHenry County Department of Health and the Richmond Township Fire Protection District to insure compliance with the standards set forth herein.

(b) In addition to submitting compliance certificates from the McHenry County Department of Health and Richmond Township Fire Protection District, proof of obtaining insurance of not less than \$500,000 per occurrence shall accompany the application for a Village license.

(c) The license fee shall be \$100.00 for the first year and \$50.00 per year upon renewal. The fee shall not be pro-rated and shall be submitted at the time of application. A Bed and Breakfast Establishment license is not transferable.

(d) The license period shall be from May 1 of each year through April 30 of the following year. Applications shall be submitted not less than 30 days prior to operation or

renewal.

**27.05 LICENSE REVOCATION OR SUSPENSION.** The Village President may revoke or suspend licenses for non-compliance with applicable rules and regulations. A licensee may request a hearing before the Village Board if a written request is filed with the Village Clerk within 10 days after the revocation or suspension order is issued. The Village Board shall set a time, date and place for a hearing on the suspension or revocation within 30 days from the date of receipt of said notice from the licensee. The Village Board's determination on whether or not the revocation or suspension should be affirmed, modified or reversed shall be considered final.

**CHAPTER 30**  
**STORMWATER MANAGEMENT**

*(Ord. 2016-27)*

30.01 Adoption of the McHenry County Stormwater Management Ordinance

**30.01 ADOPTION OF THE McHENRY COUNTY STORMWATER MANAGEMENT**

**ORDINANCE.** The provisions of the McHenry County Stormwater Management Ordinance originally passed and approved by the McHenry County Board on January 20, 2004, and subsequently amended by resolution No. 201604-10-012 on or about April 5, 2016, and as additionally amended from time to time, (collectively, McHenry County Stormwater Management Ordinance), are hereby adopted by reference and is in full force and effect within the Village of Richmond. The McHenry County Stormwater Management Ordinance may be found on the McHenry County's website, [www.mchenrycountyil.gov](http://www.mchenrycountyil.gov).

*(Ord. 2020-04)*

**CHAPTER 31  
VILLAGE PLANNING**

- 31.00 Plan Commission
- 31.01 Comprehensive Plan for the Village of Richmond
- 31.02 Official Map of the Village of Richmond

**31.00 PLAN COMMISSION.**

(a) Membership, Appointment and Term of Office.

1. The Plan Commission (hereinafter referred to, as "The commission" shall consist of a total of seven (7) members. All members of the Commission shall be appointed by the President with approval of the Board of Trustees. To qualify, an appointive member shall reside within the Village of Richmond or within territory contiguous to the Village and not more than one and one-half miles beyond the corporate limits and not included within any other municipality.
2. The members of the Commission shall be appointed initially, one (1) for one year, two (2) for two years, three (3) for three years, four (4) for four years, five (5) for five years, six (6) for six years, and seven (7) for seven years. All subsequent appointments shall be for a term of five (5) years. Members shall serve until their successors have been appointed.
3. Appointments to fill a vacancy shall be for the remainder of the unexpired term.
4. All members of the Commission shall serve without compensation for their services as members of the Commission except that upon the approval of the Board of Trustees, the Secretary may receive such compensation as may be fixed from time to time by the Board of Trustees and provided for in the Appropriation Ordinance. (*Ord. 2009-7*)

(b) Organization, By-Laws, Meetings.

1. As soon as possible after its initial appointment and following each biennial appointment of members to full terms, the Commission shall organize by the election of a Chairman, Vice-Chairman and such other officers as it deems necessary. Such officers shall hold office for a term of two (2) years and may succeed themselves.
2. The Secretary of the Commission may be a non-member of the Commission and if so shall have no vote.
3. The Commission shall adopt such by-laws governing its procedures and regulating its business as it from time to time deems proper and necessary. The adoption and amendment of by-laws shall be by a majority vote of all the members of the Commission; provided, however, that every member of

the Commission shall be furnished a copy of such proposed by-laws and amendments at least ten (10) days before consideration for adoption.

(c) Powers and Duties. The Commission shall prepare and recommend for consideration and adoption by the Board of Trustees the following:

1. A statement of goals and objectives to help guide growth and development in the municipality and its environs.
2. A Comprehensive Plan for the present and future development and redevelopment of the municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted by the Board of Trustees shall be the Official Comprehensive Plan, or part thereof.
3. Such amendments to the Plan as may be deemed necessary.
4. An Official Map of the municipality and such later revisions in said map as may be deemed necessary by the Board of Trustees or by the Commission.
5. Plans for specific improvements pursuant to the provisions of the Official Map.

In connection with the foregoing, the Commission shall

6. Review and make recommendations for neighborhood or area renewal, conservation, redevelopment, urban esthetics and civic design.
7. Call upon any officials of the municipality for aid and advice upon any matter properly within the scope of interest of the Commission and give aid to the officials of the municipality and other governmental agencies charged with the direction of projects for improvements included in the Official Map, to further the making of such improvements and to generally promote the realization of the Official Comprehensive Plan. If the Commission deems it advisable to secure technical assistance or service, it may do so upon authority from and within appropriations made by the Board of Trustees.
8. Consult with municipal and county regional planning commissions, state planning agencies and the Northeastern Illinois Metropolitan Area Planning Commission to the end that coordinated planning for the village, county and metropolitan area will be encouraged.
9. Exercise such other powers germane to the powers granted by State Statutes and this Ordinance as may from time to time be conferred on the Commission by the Board of Trustees.

(d) Proceedings. The Commission shall keep a written record of its proceedings which shall be open to public inspection during regular business hours.

(e) Annual Report. The Commission shall submit an annual written report to the Board of Trustees not later than June 1st of each year.

**31.01 COMPREHENSIVE PLAN OF THE VILLAGE OF RICHMOND.**

The 1997 Revision to the Village of Richmond Comprehensive Plan, as presented at a meeting of the President and Board of Trustees after a public hearing before the Richmond Plan Commission, and as shown in Exhibit A of this Ordinance, is hereby approved. (*Ord. 1997-15*)

(a) Purpose and Findings.

1. The Plan Commission of the Village of Richmond, upon request of the Board of Trustees and amendment of the Official Comprehensive e plan for the present and future development of redevelopment of the municipality and its environs as a guide for public policy and decision making.
2. The Plan is entitled “Village of Richmond Comprehensive Plan” and a true and correct copy thereof is attached hereto as Appendix 1, made a part hereof and incorporated herein by reference.
3. The Plan is composed of separate geographical, functional and other parts.
4. The Plan includes reasonable requirements with references to streets, alleys, public grounds, and other improvements hereinafter specified.
5. The Plan, by the terms thereof, is made applicable to land situated within the corporate limits of Richmond and unincorporated contiguous territory no more than one and one-half miles beyond the corporate limits (excluding any such territory lying in the State of Wisconsin) and not included in any other municipality.
6. The Plan designates land suitable for annexation to the municipality and the recommended zoning classifications for such land upon annexation. Annexation should occur on a timely basis.
7. Due notice and opportunity for Public hearing on the Plan has been afforded in manner provided by the statute.
8. Pursuant to notice by publication in the northwest herald, a newspaper of general circulation in McHenry County, Illinois, not less than 15 days prior to the date thereof, a public hearing was held on the Plan wherein all persons desiring to be heard in support or opposition to the Plan were afforded such opportunity and submitted their oral or written statements.
9. After the conclusion of the hearing, the Board of Trustees has considered the recommendation of the Plan Commission and such information as was derived from the hearing.

(b) Plan adopted. The Comprehensive Plan of the Village of Richmond, known as the “Official Comprehensive Plan and Official Map of Richmond, Illinois,” dated 11/4/97 is a true copy of which plan is appended hereto as Appendix 1 and is made a part hereof and incorporated herein by reference, be and the same is hereby adopted.

(c) Filing notice of Adoption. The Clerk is directed to forthwith file notice of the adoption of the Comprehensive Plan with the recorder of Deeds of McHenry County.

(d) Effective Date. The Comprehensive Plan shall become effective on the expiration of 10 days after the date of filing such notice with the Recorder of Deeds.

(e) Map. Upon adoption of an official map within the meaning and intent of Section 11-12-6 of the Illinois Municipal Code, such map shall be made a part of and be included in the Plan.

### **31.02 OFFICIAL MAP OF THE VILLAGE OF RICHMOND.**

(a) Purpose and Findings.

1. The provisions of section 2 were originally passed and approved on March 11, 1975.
2. The Plan Commission of the Village of Richmond, upon request of the Board of Trustees has proposed an Official Map, consisting of base map of the whole area included within the official comprehensive plan, one or more geographical or functional parts and all of the contiguous unincorporated areas within one and one-half miles from the corporate limits of the municipality (except that part which lies in the State of Wisconsin.)
3. Said map is drawn to scale, is found to be reasonably accurate, showing north point, section lines, numbers, streams, wetlands, floodplains, recharge areas, intensive agricultural and conservation areas.
4. Said map, with the constituent parts thereof, further shows street rights-of-way, proposed land use classifications and uses, urban limits, one and one-half mile extraterritorial limits and historical districts.
5. Said map is on file with the Village Clerk.

(b) Map Adopted. Said map is on file in the Office of the Village Clerk is made a part hereof and incorporated herein by reference.

**CHAPTER 34  
BUILDING REGULATIONS**

- 34.00 Code Adopted *(Ord. 1990-3; 2004-19; 2016-07; 2023-13; 2024-05)*
- 34.01 Amendments *(Ord. 2016-07; 2023-13; 2024-06)*
- 34.02 Penalties *(Ord. 2012-07)*
- 34.03 Assessment Information Prior to Issuance of Certificate of Completion
- 34.04 Building Permit Fees *(Ord. 2018-19; 2023-06)*
- 34.05 Municipal Impact Fee *(Ord. 2016-07)*
- 34.06 Public Project Bidding Requirement and Procedures *(Ord. 2015-18; 2016-07)*

**34.00 CODE ADOPTED.** The Building Regulations. The following Codes shall apply to all construction within the Village of Richmond: *(Ord. 2004-19; 2016-07)*

(a) The following list of codes are hereby adopted as part of the Building Code of the Village of Richmond, for the control of buildings and structures as therein provided in each code. Each and all of the regulations, provisions, penalties, conditions and terms contained in each code described below are hereby referred to, adopted and made a part hereof as if fully set forth in this ordinance. *(Ord. 2023-13)*

1. 2021 International Building Code
2. 2021 International Residential Code
3. 2021 International Mechanical Code
4. 2021 International Fuel Gas Code
5. 2021 International Fire Code
6. 2021 International Existing Building Code
7. 2021 International Pool and Spa Code
8. 2020 National Electric Code with exceptions noted in Chapter 35, Village of Richmond Municipal Code
9. 2021 International Property Maintenance Code
10. 2021 International Energy Conservation Code, with Illinois Amendments
11. 2021 NFPA 101 Life Safety Code
12. Illinois State Plumbing Code, Current Edition
13. Illinois State Environmental Barriers Act/Illinois Accessibility Code

All applications for building permits for multifamily commercial and industrial buildings shall include plans certified by a State of Illinois licensed architect or structural engineer.

(b) Survey Required. When a principal building has been permitted and is under construction, the building permit holder shall provide the building inspector with a survey indicating the location of the building's footing on the building lot. Said survey shall be prepared by an Illinois registered surveyor, and shall be submitted to the building inspector after required footings have been placed, but prior to the pouring and/or installation of the building foundation. It shall be the responsibility of the permit holder to have the required survey prepared and submitted, and to schedule a foundation pre-pour inspection with the building inspector prior to the pouring and/or installation of a foundation. *(Ord. 2016-07)*

(c) Expiration of Permits. Construction not completed by the permit holder within the prescribed time will constitute a violation of the Building Code and each day the work is not completed shall be considered a separate violation subject to penalty. *(Ord. 1990-3; Ord. 2024-05)*

**34.01 AMENDMENTS.** The following sections of the “International Building Code, 2021 Edition” are hereby revised as follows: *(Ord. 2016-07; 2023-13)*

- (a) Section A 101.1 Title. Insert: “Village of Richmond, McHenry County, Illinois”
- (b) Section A 101.4.3 Plumbing. Delete “. . . International Plumbing. . .” and insert “. . . Illinois State Plumbing Code, current edition . . .”
- (c) Section A 105.2 Work Exempt from a permit. Building: Delete: Items 1, 2 & 12
- (d) Accessibility-Chapter 11. Delete Chapter 11 and any reference to accessibility within the International Building Code. All accessibility references shall be deferred to the Illinois Accessibility Code (current version).

The following sections of the “International Residential Code, 2021 Edition” are hereby revised as follows:

- (a) R101.1 Title. Insert: “Village of Richmond, McHenry County, Illinois”
- (b) R105.2 Work exempt from a permit. Building: Delete: Items 1, 2, 9, 10
- (c) Insert: Table R301.2(1) is hereby amended to read as follows:

a. Ground snow load:	30 pounds per square foot
b. Wind speed:	90 mph
c. Seismic design category:	Design category B
d. Weathering:	Severe
e. Frost line depth:	42 inches below grade
f. Termite:	Moderate to heavy
g. Decay:	Slight to moderate
h. Winter design temperature:	0° F
i. Ice shield underlayment required:	Yes
j. Flood hazards:	Confirm with Engineering Dept.
k. Air freezing index:	2000
l. Mean annual temperature:	50° F

- (d) Section R313 (Sprinklers) is deleted in its entirety.
- (e) Chapters 11 through 43 are deleted in their entirety.
- (f) Add section R405.2.4 “Point of discharge” to read as follows: **R405.2.4 Point of Discharge.** The point of discharge of the drainage system shall be diverted in such a manner so as to not create a hazard and shall be no closer than one half (1/2) the distance between the required yard setback and the property line or five (5) feet, whichever is greater. *(Ord. 2024-06)*

**34.02 PENALTIES.** Any person, firm or corporation violating any of the provisions of this Code shall be fined pursuant to Appendix A of this Code. All such violations are hereby declared a nuisance. *(Ord. 2012-07)*

**34.03 ASSESSMENT INFORMATION PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETION.**

(a) Prior to the issuance of a certificate of completion pursuant to the Building Ordinance of the Village of Richmond, the Building Inspector shall file an unexecuted certificate of completion with the McHenry County Supervisor of Assessments.

(b) The owner of the property for which said certificate of completion is requested shall obtain from the McHenry County Supervisor of Assessments, in the form prescribed by said official, a receipt showing that the unexecuted certificate of completion has been duly filed and that the property is subject to increased assessments from the date of issue of the certificate on a proportionate basis for the year in which the improvement was completed.

(c) The owner of the property shall file said receipt with the Village Clerk of the Village of Richmond and the Building Inspector shall file a certified copy of the certificate of completion, when issued, with the McHenry County Supervisor of Assessments.

**34.04 BUILDING PERMIT FEES.** No permit shall be issued until the fees hereinafter prescribed have been paid to the village. Each permit shall show the owner’s name, the location of the premises, the operation involved, and a receipt for the total amount paid. The fees set forth below are charged for all alterations, improvements, remodeling or new construction within the village: *(Ord. 2023-06)*

(a) Residential Building Permit Fees:

Principal Building	\$1.07	Per gross sq. ft., above grade excluding garages, wood decks, terraces, open porches, etc. (Including fees for electric, plumbing, HVAC work, etc.)
Remodeling or Alterations	\$0.80	Same as above
New Construction Accessory Bldg.	\$0.40	Same as above
Remodeling of Accessory Bldgs./Attached garages	\$0.40	Same as above
Central A/C	\$80.00	Replace existing unit
Cancelled Projects	\$39.90	Per hour for plan review
Decks	\$0.28	Per square feet
Demolition of Building	\$86.45	Minimum
	\$19.95	Per 25,000 cubic feet over 25,000 cubic feet
Driveways/Walks/Patio	\$0.13	New construction per sq. ft.
	\$80.00	Maximum
Electric Service	\$80.00	Up to 200 AMPS
	\$33.26	Temporary service
Electric Misc.	\$80.00	When not included in above cost/sq. ft.

Fences	\$80.00	For first 100 lineal feet or part thereof	
	\$13.30	For each additional 100 lineal feet or part thereof	
Fireplace	\$80.00	Prefab or Masonry	
Furnace	\$80.00	Replace existing unit	
HVAC Systems	\$80.00	New System	
Minimum Permit Fee	\$80.00		
Misc. Maintenance	\$80.00		
Misc. Plumbing	\$80.00	For first 5 fixtures	
	\$9.31	For each fixture of five	
Porches/Screened	\$0.40	Per square feet	
Portable Sheds	\$80.00	Up to 10' x 12' maximum size	
Re-inspection	\$133.02	for each re-inspection when required by the Building Inspector	
Roof	\$80.00	When replacing existing or covering existing	
Sidewalks/Public Curbs	\$80.00	For the first 100 lineal feet	
	\$13.30	For each additional 100 lineal feet	
Siding	\$80.00	When replacing existing or covering existing	
Signs			
Window	\$65.00	Plus \$0.32 per sq. ft. each side	
Swimming Pools	\$86.48	Permanent-in ground or above ground (includes electrical inspection)	

(b) Commercial, Industrial, Office, Institutional & All Other Construction Building Permit Fees:

New Building and Structures	\$99.78	Minimum
	\$10.64	Per 1000 cubic feet
A/C Unit	\$33.14	Up to 3 tons each unit

	\$46.55	3 to 30 tons each unit
	\$59.86	30 to 100 tons each unit
	\$79.82	100 to 1000 tons each unit
Alterations and Repairs	\$80.00	Minimum
	\$10.64	Per \$1000.00 of job cost
Cancelled Projects	\$39.90	Per hour for plan review completed
Chimney	\$80.00	Isolated chimney over 50 feet above any roof
Demolition of Building	\$86.45	Minimum
	\$19.95	Per 25,000 cubic feet over 25,000 cubic feet
Driveway	\$80.00	Each driveway, curb cut
Electrical	\$80.00	Minimum Fee
	\$39.90	Plan review per hour
	\$10.64	Per 20 AMP or less circuit up to 50 circuits
	\$6.65	Per 20 AMP or less circuit over 50 circuits
	\$21.28	Per 21 AMP to 50 AMP circuit
	\$1.34	Over additional outlet on existing circuits
	\$19.95	One motor or device
	\$9.97	For each additional motor or device
	\$39.90	Per hour for inspection or re-inspections that are the fault of the contractor
Electrical Services	\$53.21	0 to 100 AMPS
	\$66.51	101-200 AMPS
	\$73.16	201-400 AMPS
	\$79.82	401-600 AMPS
	\$99.77	601-1000 AMPS
		Fees for service in excess of 1000 AMPS shall be determined at permit
Elevators (each)	\$199.54	Five floors or less
	\$19.95	Each additional floor above five
	\$80.00	Annual elevator inspection
	\$133.02	Temporary Construction towers
Engineering		Per consultants invoices. May be filled after permit is issued. No final occupancy will be issued until invoice is paid.

Fences	\$80.00	For first 100 lineal feet or part thereof
	\$6.65	For each additional 100 lineal feet or part thereof
Flagpoles	\$80.00	For each 100 feet or portion thereof
Loading Docks	\$80.00	Each Dock
Plumbing	\$80.00	Minimum for first 5 fixtures
	\$13.30	For each additional fixture in excess of 5 fixtures
	\$80.00	Minimum for first 5 replaced
	\$13.30	For each additional replaced fixture in excess of 5 fixtures
Re-inspection	\$133.02	For each inspection when required by the Building Inspector
Roof	\$80.00	When replacing existing
Shoring or Moving Building	\$80.00	Minimum
	\$1.99	Per 1000 cubic feet
Sidewalks/Curbs	\$80.00	For first 100 lineal feet
	\$13.30	For each additional 100 lineal feet or part thereof
<b>PERMANENT SIGNS</b>		
Ground	\$65.00	Plus \$.32 per sq. ft. each side
Wall or Window	\$65.00	Plus \$.32 per sq. ft. each side
Projecting	\$65.00	Plus \$.32 per sq. ft. each side
Canopy	\$65.00	Plus \$.32 per sq. ft. each side
Awning	\$65.00	Plus \$.32 per sq. ft. each side
Marquee	\$65.00	Plus \$.32 per sq. ft. each side
<b>TEMPORARY SIGNS</b>		
Open for Business	\$65.00	Per Event
Construction or Real Estate Development	\$33.26	
Swimming Pools	\$166.29	Each Pool (not including electrical or plumbing)
Tanks	\$73.16	121 to 1000 gallons each tank
	\$3.32	Each additional 1000 gallons per tank
	\$39.90	Remove each tank
Ventilating Systems	\$79.82	Minimum for first 3000 CFM
	\$19.95	For each additional 1000 CFM (sum of supply and

		exhaust)
Warm Air Furnaces	\$53.21	Each Unit

(c) No building alterations, improvements, remodeling, or new construction (“Project Work”) may commence prior to the issuance of a required building permit by any individual, contractor or company and the required building permit fee is paid. Building permit fees obtained after the commencement of project work shall be double the fees listed in subsections (a) and (b), above. (Ord. 2018-19)

**34.05 MUNICIPAL IMPACT FEE.** There shall be paid at the time of issuance of a building permit for the construction of any residential dwelling unit the sum of \$334.28, said amount to be known as the M.I.F. (Ord. 2016-07)

**34.06 PUBLIC PROJECT BIDDING REQUIREMENTS AND PROCEDURES.** (Ord. 2015-18)

(a) Competitive Bidding Required. All public work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed Twenty Thousand Dollars (\$20,000.00), shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds (2/3) of the Village trustees then holding office.

(b) Notice Inviting Bids. Notice inviting bids shall be published at least once in a newspaper with general circulation within the Village, the form of which shall be as follows:

TEMPLATE  
VILLAGE OF RICHMOND  
ADVERTISEMENT FOR BIDS

The Village Clerk of the Village of Richmond, 5600 Hunter Drive, Richmond, Illinois 60071, will receive sealed bids until (insert date/year and time).

The Project is referred to as (insert project name or general reference to public work) and consists of (insert general description of required work).

Plans, Specifications and Contract Documents may be reviewed or obtained from the Village of Richmond, Office of the Village Clerk, Village Hall, 5600 Hunter Drive, Richmond, Illinois 60071 upon receipt of a (insert cost of copy of obtaining bid documents), non-refundable deposit. If mailing is requested than an additional (insert cost of mailing) deposit will be required.

Each bid shall be made on the forms furnished by the Village and must be accompanied by a bid bond, bank cashier’s check or certified check in the amount of (if required, insert amount of bid bond as a percentage of Base Bid). Bid security shall be submitted with the Bid and made payable to the Village of Richmond.

Bids shall be submitted no later than the specified closing time in an opaque sealed envelope addressed to: Village of Richmond, attention Village Clerk, 5600 Hunter Drive, Richmond, Illinois 60071. Envelopes should be clearly marked, “Sealed Bid – (insert name of project or reference to public work)”. The bids will be opened at this location and read aloud. The

Village of Richmond reserves the right to reject any or all bids or parts thereof, or waive any irregularities or informalities, and to make the award in the best interest of the Village.

All bidders must comply with applicable Illinois law requiring the payment of prevailing wages by all contractors working on public works. The contract calls for the construction of a “public work,” within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 et seq. (“the Act”). The Act requires contractors and subcontractors to pay laborers, workers and mechanics performing services on public works projects no less than the current “prevailing rate of wages” (hourly cash wages plus amount for fringe benefits) in the county where the work is performed. The Department publishes the prevailing wage rates on its website at <http://labor.illinois.gov/>. The Department revises the prevailing wage rates and the contractor/subcontractor has an obligation to check the Department’s web site for revisions to prevailing wage rates. For information regarding current prevailing wage rates, please refer to the Illinois Department of Labor’s website. All contractors and subcontractors rendering services under this contract must comply with all requirements of the Act, including but not limited to, all wage requirements and notice and record keeping duties. (*Ord. 2016-07*)

Bidders must comply with the Illinois Statutory requirements regarding labor, including Equal Employment Opportunity Laws. Each bidder shall adopt a written sexual harassment policy in compliance with 775 ILCS 5/2-105 (as amended from time to time).

By the Order of the Village Board of Trustees, Village of Richmond, Illinois.

(c) Bid Deposits. When deemed necessary by the Board of Trustees, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the Board of Trustees. A successful bidder shall forfeit any bid deposit required by the Board of Trustees upon the bidder failing to enter into a contract within ten (10) days after the award.

(d) Bid Opening Procedure.

1. Sealed. Bids shall be submitted sealed to the Village and shall be identified as bids on the envelope.
2. Opening. Bids shall be opened in public at the time and place stated in the public notice.
3. Tabulation. The Village President or his designee shall tabulate the bids received and forward the tabulation to the Village Board of Trustees at its next regular meeting.

(e) Rejection of Bids. The Village shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(f) Bidders in Default to Village. The Village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the Village.

## **CHAPTER 35 ELECTRIC CODE**

- 35.01 Electrical Commission
- 35.02 Electrical Inspector Designated
- 35.03 National Electrical Code Adopted (*Ord. 2004-20; 2016-05; 2023-14*)
- 35.04 Permits
- 35.05 Electrical Inspector
- 35.06 Penalty

**35.01 ELECTRICAL COMMISSION.** There is hereby created an Electrical Commission which shall be constituted and perform such duties as are set forth in the Illinois Municipal Code, Article 11, Division 37.

**35.02 ELECTRICAL INSPECTOR DESIGNATED.** The Village President shall designate a qualified person as Electrical Inspector who shall perform the duties prescribed by law and ordinances.

**35.03 NATIONAL ELECTRICAL CODE ADOPTED.** The rules and regulations of the National Electrical Code, 2020 edition, are hereby adopted by reference and are declared to be the minimum requirements for the installation, alteration and use of electrical equipment in the Village of Richmond. One copy of the National Electrical Code shall be kept on file in the Village Hall, and available for public use, inspection and examination. The following modifications to the National Electrical Code shall be made: (*Ord. 2016-05; 2023-14*)

1. Wiring methods in Article 334 (nonmetallic-sheathed cable) shall not be used, except temporary lighting and power during construction.
2. Aluminum Conductors shall not be used in residential construction.
3. All service feeders for systems greater than 1,000 amperes shall be encased in 5” of concrete. (*Ord. 2004-20*)

**35.04 PERMITS.** No person shall install electrical equipment without a permit therefor unless accepted therefrom by provisions of the National Electrical Code. Permits for the installation, alteration and use of electrical equipment shall first be issued only on receipt of an application therefor made out on a form to be furnished by the Electrical Inspector, and submitted to the Electrical Inspector, and upon payment of the fee in advance as hereinafter provided. Application for such permit shall contain the name of the owner or user of the electrical equipment to be installed, altered or used and the location by street and number, in a detailed description of the same.

**35.05 ELECTRICAL INSPECTOR.**

(a) Duties. The Electrical Inspector shall perform the functions of an electrical inspection department as prescribed by the Illinois Municipal Code, Article 11, Division 37, for the regulation of the installation, alteration and use of electrical equipment, and shall be charged with the duty of enforcing the statutes, ordinances and rules and regulations relating to the installation, alteration and use of electrical equipment.

(b) Records. The Electrical Inspector shall keep complete records of all permits and certificates issued and inspections made in accordance with this chapter, and other official work performed, which records shall be open to inspection.

(c) Covering Work. No electrical outlets shall be closed or work covered before notice is given to the Electrical Inspector, giving him ample time to make an inspection.

**35.06 PENALTY.** Any person who fails or refuses to comply with the provisions of this chapter, including the National Electrical Code, incorporated herein by reference, shall be subject to the penalties provided in Chapter 1, and any electrical contractor or electrician who shall do any electrical work, or willfully permit it to be done in violation hereof shall be liable for the penalties, and in addition thereto any such person shall be required to remove such improper construction at his own expense.

**CHAPTER 36  
GARBAGE, REFUSE, RECYCLING AND YARD WASTE**

- 36.01 Definitions
- 36.02 Refuse, Recyclable Material, Yard Waste and Disposal Program
- 36.03 Recycling
- 36.04 Duties of Customers
- 36.05 Dumping Refuse or Garbage
- 36.06 Penalties

**36.01 DEFINITIONS.** Terms used in this Chapter 36 are defined as follows:

Agreement: The current contract between the Village and Village Hauler that has been authorized by the Board of Trustees.

Curbside: The location off the street or highway pavement and within five feet thereof or along designated alleys.

Recyclable Materials: Material that is separated from refuse for the purpose of recycling, including, but not limited to aluminum cans, tin/steel cans, foil, cardboard, newspaper, glass bottles, plastics with type number 1 through 5; magazines; chip board; telephone books; catalogues; and junk mail.

Refuse: All household garbage, rubbish and kitchen wastes such as discarded food or food residues and paper used for wrapping the same, books, magazines and boxes contained in an approved container as defined in herein, including household construction and demolition debris and related bulk materials.

Residential: Any property that is residential in use and classified Estate Residential, Single-Family Residential, Two-Family Residential, or High Density Residential District within the Village Unified Development Ordinance.

Village Hauler: An independent contractor who has been awarded the contract by the President and Board of Trustees to furnish all labor, materials and equipment to collect residential garbage, refuse, recyclable material and yard waste in the Village.

Yard Waste (also known as landscape waste): Grass and garden clippings, leaves, pruning's of small diameter green stemmed shrubs, weeds, plant materials and brown stemmed or trunks not to exceed four (4) feet in length and two (2) inches in diameter individually, excluding Christmas trees.

**36.02 REFUSE, RECYCLABLE MATERIAL, YARD WASTE AND DISPOSAL PROGRAM.**

(a) All refuse, yard waste and recyclable materials generated in each Residential unit in the Village shall be picked up only by the Village hauler. Collection services for Residential units shall be made at curbside or designated alleys from every residential unit between the hours of 7:00 a.m. and 4:30 p.m. the day collection is scheduled for a particular area.

(b) Residential users of collection services provided by the Village hauler shall use only those containers or receptacles authorized by the Village hauler.

(c) The owner(s) of each residential unit shall be responsible for paying the cost of collection in accordance with the Agreement. The owner(s) of each residential unit shall only utilize the collection services of the Village Hauler.

(d) The Village Hauler shall be responsible for the billing and collection of all charges.

### **36.03 RECYCLING.**

(a) Compliance with Program: All owners of residential units shall comply with a recycling program for the separating of recyclable materials from refuse for all residential units in the Village in accordance with the Agreement.

(b) Separation of Recyclables and Placement for Removal: Recyclables shall be prepared and separated from other refuse and be placed curbside.

(c) Collection by Unauthorized Person: From time of placement of recyclable materials at the curb for collection in accordance with the term hereof, items shall become the property of the Village Hauler. It shall be a violation of this chapter for any person unauthorized by the Village to collect or pick up or cause to be collected or picked up any such items. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

### **36.04 DUTIES OF CUSTOMERS.**

(a) Location for Pick-Up: All refuse, yard waste and recyclable material shall be placed immediately behind the curbside. When a conflict arises concerning a specific location the Village shall have the exclusive right to determine the final pickup point for the property in question.

(b) Preparing Materials: It is the responsibility of the customer to properly bag, bundle and tag all refuse, recyclable materials and yard waste as outlined in this chapter and as provided in the Agreement.

### **36.05 DUMPING REFUSE OR GARBAGE.**

(a) It shall be unlawful to dispose of any refuse or garbage except as provided in this chapter.

(b) Receptacles Required: It shall be the duty of every owner, or his agent, or the occupant of any house, dwelling or other building in the Village wherein people reside or lodge, or where animal or vegetable food is prepared or served, and at all times, to maintain in good order and repair a separate receptacle to be used for the purpose of depositing garbage and other similar refuse. Such receptacle shall be watertight, made or constructed of metal or plastic and shall be equipped with a close-fitting cover. These receptacles may but are not required to be obtained from the Village hauler.

(c) Deposit on Streets and Property: It shall be unlawful for any person to deposit garbage or other similar refuse in any street, alley or public way. It shall be unlawful for any person to deposit garbage or other similar refuse upon any private property, unless such garbage or other similar refuse shall be placed in a receptacle as hereinabove described, and it shall be unlawful to place such receptacle upon any street, alley or public way, except where otherwise permitted by the Village.

(d) Littering: It shall be unlawful for any person to deposit, place or locate garbage or other similar refuse in any manner so that the same could be blown about or scattered by wind or accessible to animals.

(e) Burning: It shall be unlawful for any person to burn or cause to be burned any garbage or similar refuse within the corporate limits of the Village, except as otherwise allowed by the Village.

(f) Storage of Receptacles: The storage of all refuse receptacles shall be in such a manner so as to be no closer to the streets or public ways than the building setback lines as required under applicable Village regulations.

**36.06 PENALTIES.** Any person who violates or neglects to comply with any provision of this chapter, or any regulation promulgated pursuant thereto, shall, upon conviction thereof, be punishable by a fine pursuant to Appendix A of this code. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.

**CHAPTER 37**  
**CABLE AND VIDEO SERVICE**  
*(Ord#2022-19)*

- 37.01 Definitions
- 37.02 Franchise and Service Fees
- 37.03 Audits
- 37.04 Acceptance of Payment by Village
- 37.05 Failure to Make Required Payment
- 37.06 Payment Schedule
- 37.07 Pass Through
- 37.08 Construction Bond
- 37.09 Insurance
- 37.10 Indemnification
- 37.11 Acknowledgement of Franchise by Village
- 37.12 Educational and Governmental Programming
- 37.13 Customer Service
- 37.14 Penalties
- 37.15 Cable Operator's and Holder's Rights Under State and Federal Law
- 37.16 Relocation of Cable or Video Service System

**37.01 DEFINITIONS.** Terms used in this Chapter shall mean as follows:

Holder: a person or entity that has received authorization to offer or provide Cable or Video Service from the Illinois Commerce Commission pursuant to Section 21-401 of Article XXI of the Public Utilities Act and which provides Cable Service and/or Video Service to or within the Village's corporate boundaries.

Cable Operator: means that term as defined in 47 U.S.C. §522(5) and which provides Cable Service to or within the Village's corporate boundaries.

Cable Service: means that term as defined in 47 U.S.C. §522 (7).

Cable System: means that term as defined in 47 U.S.C. §522(7).

Gross Revenue: shall have the same meaning as the term "gross revenue" as defined in 220 ILCS 5/21-801(c).

Franchise: The authorization by the Village as the franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, certificate, or otherwise, which authorizes the construction or operation of a Cable System or Video System within the Village's corporate boundaries.

Franchise Area: The territory within the corporate boundaries of the Village.

Franchising Authority: The Village.

Other Programming Service: Information that a Cable Operator makes available to all subscribers generally.

Person: An individual, partnership, association, joint stock company, trust, corporation or governmental entity.

Video Programming: That term as defined in 47 U.S.C. §522(20).

Video Service: Video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireless facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C §332 (d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

Video System: a system which delivers Video Service to and within the Village's corporate boundaries.

Village: The Village of Richmond, an Illinois municipal corporation.

**37.02 FRANCHISE AND SERVICE PROVIDER FEES.** Any Holder or Cable Operator which operates a Cable System providing Cable Services or Video Services, as the case may be, within the corporate boundaries of the Village, and which utilizes Village or public right of way, is hereby granted a franchise, provided and contingent upon its compliance with Village ordinances, and shall pay to the Village a franchise fee of five percent of such Cable Operator's Gross Revenues derived from the operation of such Cable System providing Cable Services within the Franchise Area with respect to a Cable Operator while a Holder shall pay a service provider fee of five percent of such Holder's Gross Revenues derived from the provision of Cable Service or Video Services within the Village's corporate boundaries (the "Fee").

**37.03 AUDITS.** On an annual basis, within 120 days of the close of the calendar year, the Cable Operator or Holder shall submit to the Village a financial statement reflecting the total amount of the revenue and all payments and computations for the previous year. Said statement shall be either audited or certified by an independent certified public accountant or certified by a financial officer of the Cable Operator or Holder.

Upon 10 days prior written notice, the Village shall have the right to conduct an independent audit of Cable Operator's or Holder's records related to the computation of the Fee. If such audit indicates a Fee underpayment of five percent or more, the Cable Operator shall assume all reasonable costs of such an audit. Any additional amount due after an audit shall be paid within 30 days after the Village's submission of an invoice for the sum.

**37.04 ACCEPTANCE OF PAYMENT BY VILLAGE.** No acceptance of any payment of the Fee by the Village shall be construed as a release or as an accord and satisfaction of any claim the Village may have for further or additional sums payable as a Fee or for the performance of any other obligations of the Cable Operator or Holder.

**37.05 FAILURE TO MAKE REQUIRED PAYMENT.** In the event that a franchise or service provider Fee payment or recomputed amount is not made on or before the dates specified herein, the Cable Operator shall pay as additional compensation:

(a) An interest charge, computed from such due date, of 10 percent per annum for the period for which payment was due.

(b) If the payment is late by 45 days or more, a sum of money equal to 15 percent of the amount due in order to defray those additional expenses and costs incurred by the Village by reason of any delinquent payment.

**37.06 PAYMENT SCHEDULE.** The Fee set forth in Section 37.02 shall be paid to the Village on a quarterly basis, that is, on April 30, for the period encompassing January 1<sup>st</sup> to March 31<sup>st</sup> of each year, July 30<sup>th</sup> for the period encompassing April 1<sup>st</sup> to June 30<sup>th</sup> of each year, October 30<sup>th</sup> for the period encompassing July 1<sup>st</sup> to September 30<sup>th</sup> of each year, and January 30<sup>th</sup> for the period encompassing October 1<sup>st</sup> to December 31<sup>st</sup> of the immediate preceding calendar year. Time is of the essence.

**37.07 PASS THROUGH.** Any Cable Operator or Holder “pass through” or itemization of the Fee on any subscriber’s bills shall be in accordance with State or Federal law, if applicable.

**37.08 CONSTRUCTION BOND.** Each Cable Operator or Holder, as the case may be, shall provide a construction bond in the amount of \$100,000 prior to the commencement of a material upgrade or substantial rebuild of the Cable System or Video Service System.

The requirement for a construction bond shall extinguish upon the completion of the material upgrade or substantial rebuild of the Cable System or Video Service System, as the case may be. The Village may require a lesser bond to cover line extensions which may occur from time to time. The Cable Operator or Holder, as the case may be, shall provide the Village with such bond written by a company in the State of Illinois and shall name the Village as a beneficiary.

**37.09 INSURANCE.**

(a) General Requirements: The Cable Operator or Holder, as the case may be, shall maintain adequate insurance to protect against claims for injuries to persons or damages to property which in any way relate to, arise from, or are connected with this Chapter or involve the Cable Operator, or Holder, as the case may be, its agents, representatives, contractors, subcontractors and their employees.

(b) The Cable Operator or Holder, as the case may be, shall maintain insurance of the following types and in the amounts described below:

1. Commercial General Liability: No less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage; and for those policies with aggregate limits, a minimum \$10,000,000.00 aggregate limit. Such insurance shall:
  - (i) Include the Cable Operator or Holder, its officers and employees as additional insureds with respect to liability arising out of activities performed by or behalf of the Cable Operator or Holder, or in the construction, operation or repair, or ownership of its Cable System or Video Service System, as the case may be; and
  - (ii) Be primary and non-contributory with respect to any insurance or self-insurance covering the Village, its officers or employees.
2. Business Automobile Liability: Not less than \$1,000,000 per accident for bodily injury and property damage and such insurance shall include coverage for owned, hired and non-owned automobile; and
3. Worker’s Compensation: In accordance with statutory limits and Employer’s Liability with limits not less than \$1,000,000 per accident.

(c) Additional Requirements: All policies shall contain or shall be endorsed so that the policy shall not be suspended, voided, canceled, or reduced in coverage or in limits, nor shall the intention not to renew be effective by the Cable Operator or Holder except after 45 days prior written notice, return receipt requested, has been given to the Village.

(d) Acceptability of Insurers: The insurance obtained by the Cable Operator or Holder shall be placed with insurers with a Best's rating of no less than "A-Excellent."

(e) Verification of Coverage: The Cable Operator or Holder, as the case may be, shall furnish, on an annual basis, the Village with properly executed certificates of insurance which shall clearly evidence all insurance required in this Section. All required certificates and endorsements are to be on standard forms or such forms as are consistent with standard industry practices and are to be received and approved by the Village.

**37.10 INDEMNIFICATION.** To the fullest extent permitted by law, each Cable Operator or Holder, as the case may be, providing Cable or Video Service to and within the Village shall, at its sole cost and expense, indemnify, hold harmless, and defend the Village, and its officers, boards, commissions, agents, and employees, against any and all claims, including, but not limited to, third party claims, suits, causes of action, including reasonable attorney's fees and costs, proceedings, and judgments for damages or equitable relief arising out of the construction, installation, upgrade, dismantling, operation, maintenance or condition of its Cable System or Video Service System, or its provision of services as defined within this Chapter, regardless of whether the act or omission complained of was authorized, allowed, or prohibited by this Chapter except with respect to claims arising out of Village's sole negligence.

**37.11 ACKNOWLEDGEMENT OF FRANCHISE BY VILLAGE.** At the request of a Cable Operator operating a Cable System within the Village or any other Holder with respect to a Video Service System, if it is in compliance with all Village ordinances and has submitted all required documents, the Village shall present a letter acknowledging the Cable Operator's or Holder's, as the case may be, franchise within the Village.

**37.12 EDUCATIONAL AND GOVERNMENTAL PROGRAMMING.** As a condition to operating a Cable System providing Cable Service or Video Service within the Village, each Cable Operator and Holder, as the case may be, shall reserve one channel for educational and governmental cable casting for the Village.

Each Cable Operator or Holder, as the case may be, shall provide one free service drop to each building or facility operated by the Village at the Village's request provided that only a standard installation is required.

Each Cable Operator or Holder, as the case may be, shall provide a free service line drop and free basic service to all current and future Village public buildings within their footprints including but not limited to all local units of government buildings, public libraries and public primary and secondary schools.

**37.13 CUSTOMER SERVICE.**

(a) Adoption: The customer service standards of the Cable and Video Customer Protection Law, 220 ILCS 5/70-501, are hereby adopted by reference and made applicable to providers of Cable Service or Video Service to residents within the Village.

(b) Amendments: Any amendment to the Cable and Video Customer Protection Law's

customer service standards in 220 ILCS 5/70-501 that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to each Cable Operator and Holder offering services within the Village. However, any amendment that makes its provisions optional for adoption by units of local government shall not be incorporated into this Chapter by reference without formal action by the Village.

(c) Enforcement: The Village declares its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the Village's corporate boundaries.

#### **37.14 PENALTIES.**

(a) Penalty: In addition to the penalties provided by law, the schedule of penalties found in 220 ILCS 5/70-501(r)(1) shall be applicable for any material breach of the Cable and Video Protection Law by any Cable Operator or Holder, as the case may be. The monetary penalties shall apply on a competitively neutral basis and shall not exceed \$750 for each day of the material breach and shall not exceed \$25,000 for each occurrence of a material breach per customer.

For purposes of this Chapter, material breach means any substantial failure of a Cable or Video Service System operator to comply with service quality and other standards specified in any provision of the law. A material breach, for the purpose of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the Cable Operator after the notice. The Village shall give the Cable Operator or Holder, as the case may be, written notice of any alleged material breaches of the Cable and Video Protection Law and allow such Cable Operator at least 30 days from the receipt of the notice to remedy the specified material breach.

(b) For any other violation of this Chapter not addressed in Section 37.14(a), the monetary penalty shall be \$500 for each day of the violation by the Cable Operator or Holder, as the case may be. For violations of this Chapter not within the scope of 220 ILCS 5/70-501 or 501 (r)(1) no advance written notice need be sent to the Cable Operator or Holder, as the case may be.

**37.15 CABLE OPERATOR'S AND HOLDER'S RIGHTS UNDER STATE AND FEDERAL LAW.** This Chapter is not intended, nor shall any provision herein be construed as to limit any rights of the Cable Operator or Holder, as the case may be, under State or Federal law including but not limited to the Cable Act of 1984.

**37.16 RELOCATION OF CABLE OR VIDEO SERVICE SYSTEM.** If the Village elects to alter, repair, realign, abandon, improve, vacate, reroute or change the grade of any street or undertake any other public works project which the Village or its staff determines the relocation of the Cable System or Video Service System is required, the Cable Operator or Holder, as the case may be, at its sole expense, shall relocate its Cable System or Video Service System as directed including but not limited to its poles, wires, cables, underground conduits, manholes and any other facilities which it has installed. The Village shall not be liable to the Cable Operator or Holder, as the case may be, for such costs. Reasonable advance written notice shall be mailed to the Cable Operator or Holder, as the case may be, advising the Cable Operator or Holder as the case may be of the dates that the relocation is to be undertaken. Such notice shall not be less than 30 days prior to the date of the required relocation date.

**APPENDIX A for Adjudication Purposes** (Ord. 2018-05; 2018-26; 2019-09; 2020-14; 2021-02; 2022-08; 2023-05; 2024-07; 2024-12)

<b>Section or Chapter</b>	<b>Offense</b>	<b>Fine or Notice to Appear (“NTA”)</b>
5.24	Access to Premises	\$25 or NTA \$25-\$750
14.20.1	Alcohol, consumption by minors	\$250 or NTA \$250-750
14.20	Alcohol, possession and consumption	\$250 or NTA \$250-750
23.28	Alcohol, disorderly house	\$250 or NTA \$250-750
23.30	Alcohol, gambling prohibited	\$250 or NTA \$250-750
23.31	Alcohol, gaming houses	\$250 or NTA \$250-750
23.29	Alcohol, prohibited places of drinking	\$250 or NTA \$250-750
23.26	Alcohol, sales to minors, drunkards, etc.	\$250 or NTA \$250-750
13.11	Animal cruelty	\$75 or NTA \$75-750
13.12	Animal, dangerous	\$75 or NTA \$75-750
13.13	Animal, noisy	\$75 or NTA \$75-750
14.03	Assault	\$250 or NTA \$250-750
14.26	Automated traffic law enforcement system, penalty	\$100
14.04	Battery	\$250 or NTA \$250-750
4.07	Builders occupying street	\$100/day
12.07	Buildings, dangerous	\$75 or NTA \$75-750
34.02	Building Regulations, penalties	\$75 or NTA \$75-750
21.14	Business registration, penalty	\$75 or NTA \$75-750
14.25	Cannabis, public use	\$250 or NTA \$250-750
15.13	Careless Driving	Not to Exceed \$750
4.21	Construction of utility facilities in the public rights-of-way	NTA

7.08(k)(7)	Cross Connection Control Regulations, fine	\$250 or NTA \$250-750
14.21	Curfew	\$75 or NTA \$75-750
14.28	Cyberstalking	\$250 or NTA \$250-750
14.14	Damaging property	\$250 or NTA \$250-750
14.01	Disorderly conduct	\$250 or NTA \$250-750
14.18	Disorderly houses	\$250 or NTA \$250-750
12.10, 13.02	Dog at large	\$75 or NTA \$75-750
13.05	Dog, fierce	\$75 or NTA \$75-750
13.06	Dog, injury by	\$75 or NTA \$75-750
13.09(d)	Dogs in public places, fine	\$75 or NTA \$75-750
12.10	Dogs and other animals	\$75 or NTA \$75-750
4.16	Driveways	\$75
15.01	Driving under the influence	
	625 ILCS 5/11-501(a)(1), (2), (3) and (4)	\$1,250/2,500
14.22	Drug paraphernalia	\$250 or NTA \$250-750
12.08	Dwellings, unfit	\$75 or NTA \$75-750
14.12	Fences, electrical and barbed wire	\$75 or NTA \$75-750
14.09(a)	Firearms	\$250 or NTA \$250-750
14.09(b)(c)(d)	Firearms	\$50-\$100 or NTA
14.11(d)	Fires, outdoor	\$75 or NTA \$75-750
14.10	Fireworks	\$75 or NTA \$75-750
25.01(f)	Foreign Fire Insurance Companies, no account or report	Not more than \$500
21.16(c)	Garage sales, penalties	\$75
23.30	Gambling	\$250 or NTA \$250-750

12.03	Garbage and refuse	\$75 or NTA \$75-750
36.06	Garbage, Refuse, Recycling and Yard Waste, penalty	\$25-500
14.29(e)	Harassment	\$250 or NTA \$250-750
19.07	Hotel or motel occupancy tax, penalty	\$100/1000
12.04	Junk and abandoned vehicles	\$75 or NTA \$75-750
23.35	Liquor and Video Gaming, penalties	\$250 or NTA \$250-750
14.15	Littering	\$75 or NTA \$75-750
13.10	Livestock and poultry	\$75 or NTA \$75-750
14.05	Loitering	\$75 or NTA \$75-750
5.22	Meter tampering	\$250 or NTA \$250-\$750
15.12(d)	Municipal parking lot	\$75 or NTA \$75-750
24.06(e)	Municipal Electric Utility Tax, penalties	\$100-750
24.05(h)	Municipal Gas Utility Tax, fine	\$100-750
4.20	Mailboxes	NTA
14.23	Nippersink Creek Park Rules and Regulations	\$75 or NTA \$75-750
15.11(c)	No Parking Zones	\$75
14.13	Noise	\$75 or NTA \$75-750
15.01	Non-moving offenses and non-reportable offenses (except seat belt violations)	\$75 or NTA \$75-750
12.05(a)	Noxious plants, weeds	\$75 or NTA \$75-750
12.11(i)	Nuisance, public, abatement, penalty	\$75 or NTA \$75-750
12.01	Nuisance, public, prohibited	\$75 or NTA \$75-750
4.03	Numbering, buildings	\$25
14.19	Obscene material	\$250 or NTA \$250-750
15.07	Parking places reserved for persons with disabilities	\$350
	Parking violations except Section 15.07	\$75
14.16	Pollution	\$75 or NTA \$75-750

21.15	Raffles	\$100
13.07	Rabies	\$75 or NTA \$75-750
15.04	Reclaimed vehicles, expenses	\$75 or NTA \$75-750
17.08(a)	Recycling Collection Bins	not less than \$150
14.02	Resisting officer	\$250 or NTA \$250-750
15.05(e)	Roller skates, street skates, and skateboards, penalty	\$75 or NTA \$75-750
15.01	Seat belt violation	\$50
12.06	Sewage disposal	\$75 or NTA \$75-750
6.VII Sec. 2	Sewer use, penalties	not less than \$500
4.19(g)	Sidewalks, construction	NTA
4.18(d)	Sidewalks, snow removal	\$75
15.03	Snow and ice removal	\$75 or NTA \$75-750
16.07	Snowmobiles, penalty	\$75 or NTA \$75-750
14.20.2(d)	Social Hosting	\$750
22.13	Soliciting, penalty	\$75 or NTA \$75-750
1.04	Standard Penalty (if not listed elsewhere in Code)	\$75 or NTA \$75-750
4.15	Streets, advertising	\$75
4.04	Streets, damage	NTA
4.12	Streets, debris	\$75
4.05	Streets, encroachments	\$75 OR NTA
4.06	Streets, obstructing	\$75
4.23	Streets and/or Sidewalks, penalties	not less than \$750
4.13	Streets, protection of work	\$250-\$500/day
14.06	Theft	\$250 or NTA \$250-750
14.17	Throwing objects from elevated structures	\$250 or NTA \$250-750

14.24	Tobacco	\$75 or NTA \$75-750
14.24(b)(2)	Tobacco, purchase and use	
	First offense	\$200
	Second offense in a 12-month period	\$400
	Third or subsequent offense in a 12-month period	\$600
14.24(c)(2)	Tobacco products, possession	
	First offense	\$25 or 15 community service hours
	Second offense within a 12-month period	\$50 and 25 community service hours
	Third or subsequent offense within a 12-month time period	\$100 and 30 community service hours
	Second or subsequent violation not within a 12-month time period after the first violation	\$25 or 25 community service hours
14.24(d)(7)(ii)	Tobacco Accessories and Smoking Herbs	
	First offense	\$100/500
	Second offense within a 2-year period of the first offense	\$250/600
	Third or subsequent offense within a 2-year period of the first offense	\$500/\$1000
12.09	Trees, dead or diseased	\$75 or NTA \$75-750
4.17	Trees	\$75 or NTA \$75-750
8.08	Trees, nuisance, penalty	\$75 or NTA \$75-750
14.27(d)	Truancy	
	First offense	\$250
	Each subsequent offense	\$500
15.02	Use of mechanical exhaust devices for braking	\$75 or NTA \$75-750
12.04	Vehicle, abandoned, inoperable	\$75 or NTA \$75-750
15.15	Vehicle seizure and impoundment	

15.15(a), (e)2	Administrative penalty	\$500
15.15(d)	Cash bond	\$500
6B.13	Water reuse, penalty	\$1000/10,000
14.07, 14.08	Weapons	\$250 or NTA \$250-750
14.07	Weapons, carrying concealed weapons restricted	\$250 or NTA \$250-750
14.08	Weapons, prohibited	\$250 or NTA \$250-750
12.05(d)	Weeds	\$75 or NTA \$75-750