

**MUNICIPAL CODE**

**Village of**

**GURNEE, ILLINOIS**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2016-83, enacted December 19, 2016.**

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 15, Revision  
July 2016

**MUNICIPAL CODE**

**Village of**

**GURNEE, ILLINOIS**

**Looseleaf Supplement**

This Supplement No. 15, Revision is printed to revise pages appearing in Supplement No. 15 and should be inserted as directed below:

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**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2016-04, enacted January 11, 2016.**

See the Code Comparative Table for further information.

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**Village of**  
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**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2014-51, enacted September 8, 2014.**

See the Code Comparative Table for further information.

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**Ordinance No. 2013-40, enacted August 19, 2013.**

See the Code Comparative Table for further information.

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**Ordinance No. 2012-70, enacted August 6, 2012.**

See the Code Comparative Table for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2011-57, enacted August 1, 2011.**

See the Code Comparative Table for further information.

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**MUNICIPAL CODE**

**Village of**

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**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2010-77, enacted August 16, 2010.**

See the Code Comparative Table for further information.

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**MUNICIPAL CODE**

**Village of**

**GURNEE, ILLINOIS**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2009-56, enacted August 3, 2009.**

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**CODE OF ORDINANCES**

**Village of**

**GURNEE, ILLINOIS**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2008-46, enacted June 16, 2008.**

See the Code Comparative Table for further information.

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**MUNICIPAL CODE**

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2007-57, enacted July 2, 2007.**

See the Code Comparative Table—Ordinances for further information.

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This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2006-45, enacted June 5, 2006.**

See the Code Comparative Table—Ordinances for further information.

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**MUNICIPAL CODE**

**Village of**

**GURNEE, ILLINOIS**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2005-43, enacted July 6, 2005.**

See the Code Comparative Table for further information.

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SUPPLEMENT NO. 3  
March 2003

**MUNICIPAL CODE**

**Village of**

**GURNEE, ILLINOIS**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2003-08, adopted February 17, 2003.**

See the Code Comparative Table for further information.

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**MUNICIPAL CODE**

**VILLAGE of**

**GURNEE, ILLINOIS**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2002-74, adopted August 5, 2002.**

See the Code Comparative Table for further information.

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**Village of**

**GURNEE, ILLINOIS**

**Looseleaf Supplement**

This Supplement contains all ordinances deemed advisable to be included at this time through:

**Ordinance No. 2002-08, adopted January 14, 2002.**

See the Code Comparative Table for further information.

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# GURNEE MUNICIPAL CODE

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Adopted January 14, 2002  
Effective January 14, 2002

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Published 2001 by Order of the President and Board of Trustees

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**municode**

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OFFICIALS  
of the  
VILLAGE OF  
GURNEE, ILLINOIS  
AT THE TIME OF THIS CODIFICATION

---

Donald F. Rudny  
*President*

---

Jeanne Balmes  
Thomas Chamberlain  
Ray Damijonaitis  
William Finn  
Kristina Kovarik  
Barbara Thoma  
*Board of Trustees*

---

James T. Hayner  
*Village Administrator*

---

Rudolph F. Magna  
*Village Attorney*

---

Mary Jo Kollross  
*Village Clerk*



## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Village of Gurnee, Illinois.

Source materials used in the preparation of the Code were the 1977 Code, as supplemented through Ordinance No. 93-158, and ordinances subsequently adopted by the President and Board of Trustees. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1977 Code, as supplemented, and any subsequent ordinance included herein.

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

### *Chapter and Section Numbering System*

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

### *Page Numbering System*

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

CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
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### *Index*

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

### *Looseleaf Supplements*

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

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

### *Acknowledgments*

This publication was under the direct supervision of James S. Vaught, Senior Code Attorney, and Bill Eddy, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Bradly J. Burke, Assistant Village Administrator, and Barbara J. Swanson, Village Attorney for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the village readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the village's affairs.

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ADOPTING ORDINANCE  
ORDINANCE NO. 2002-08

*An Ordinance Adopting and Enacting a New Code for the Village of Gurnee, Illinois Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.*

Be It Ordained By the President and Board of Trustees of the Village of Gurnee, Lake County, Illinois, in the Exercise of Its Home Rule Powers, as Follows:

*Section I.* The Code entitled "Gurnee Municipal Code" published by Municipal Code Corporation, consisting of Chapters 1 through 94, each inclusive, is hereby adopted.

*Section II.* All ordinances of a general and permanent nature enacted on or before January 24, 2000, and not included in the Code or recognized and continued in force by reference therein, are repealed.

*Section III.* The repeal provided for in section II hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

*Section IV.* Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$750.00. Each day any violation of any provision of this Code or of any ordinance shall constitute a separate offense. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided in this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Village may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

*Section V.* Additions or amendments to the Code when passed in the form as to indicate the intention of the President and Board of Trustees to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

*Section VI.* Ordinances adopted after January 24, 2000, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

*Section VII.* Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this ordinance.

*Section VIII.* If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

*Section IX.* This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

**Passed and approved this 14th day of January, 2002.**

	Ayes:	Nays:	Absent/Abstain:
Thomas A. Chamberlain	_____	_____	_____
Ray Damijonaitis	_____	_____	_____
Kristina Kovarik	_____	_____	_____
Jeanne E. Balmes	_____	_____	_____
William Finn	_____	_____	_____
Barbara Thoma	_____	_____	_____

**APPROVED:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
DONALD F. RUDNY, President

**ATTEST:**

By: \_\_\_\_\_  
MARY JO KOLLROSS, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on \_\_\_\_\_, 2002.

I hereby certify that the above ordinance was published in pamphlet form on \_\_\_\_\_, 2002, as provided by law.

/s/ \_\_\_\_\_  
MARY JO KOLLROSS, Village  
Clerk



STATE OF ILLINOIS )

) SS

COUNTY OF LAKE )

I, Mary Jo Kollross, certify that I am the duly elected and acting municipal clerk of the Village of Gurnee, Lake County, Illinois. I certify that on \_\_\_\_\_, 2002, the Corporate Authorities of such municipality passed and approved Ordinance 2002-\_\_\_\_\_, entitled, "*AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE VILLAGE OF GURNEE, ILLINOIS PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH [C]ODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE*", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2002-\_\_\_\_\_, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on, \_\_\_\_\_, 2002, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Gurnee, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

/s/ \_\_\_\_\_  
Village Clerk



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From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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## SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Municipal Code will be able to gain a more complete picture of the Code's historical evolution.

<b>Ordinance Number</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supplement Number</b>
98-79	7- 6-1998	Omitted	11
2010-79	9-13-2010	Included	11
2010-83	9-13-2010	Included	11
2010-86	9-20-2010	Included	11
2010-87	9-20-2010	Included	11
2010-103	12- 6-2010	Included	11
2011-2	1-11-2011	Included	11
2011-49	6-20-2011	Included	11
2011-50	6-20-2011	Included	11
2011-57	8- 1-2011	Included	11
2011-79	12- 5-2011	Included	12
2011-89	12-19-2011	Included	12
2012-14	2-20-2012	Included	12
2012-15	2-20-2012	Included	12
2012-16	2-20-2012	Included	12
2012-18	3-19-2012	Included	12
2012-20	3-19-2012	Included	12
2012-22	4- 2-2012	Included	12
2012-23	4- 2-2012	Included	12
2012-25	4- 2-2012	Included	12
2012-30	4-16-2012	Included	12
2012-32	4-16-2012	Included	12
2012-33	4-16-2012	Included	12
2012-34	4-16-2012	Included	12
2012-35	4-16-2012	Included	12
2012-39	5- 7-2012	Included	12
2012-40	5- 7-2012	Included	12
2012-41	5- 7-2012	Included	12
2012-47	5-21-2012	Included	12
2012-50	5-21-2012	Included	12
2012-55	6-18-2012	Included	12
2012-64	7-16-2012	Included	12
2012-65	7-16-2012	Included	12

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<b>Ordinance Number</b>	<b>Date Adopted</b>	<b>Included/Omitted</b>	<b>Supplement Number</b>
2012-70	8- 6-2012	Included	12
2012-78	10- 1-2012	Included	13
2012-90	12- 3-2012	Included	13
2012-93	12-17-2012	Included	13
2012-94	12-17-2012	Included	13
2013-12	3-18-2013	Included	13
2013-27	5-20-2013	Included	13
2013-28	5-20-2013	Included	13
2013-40	8-19-2013	Included	13
2013-43	9- 9-2013	Included	14
2013-52	11- 4-2013	Included	14
2013-53	11- 4-2014	Included	14
2013-57	11-18-2013	Included	14
2014-1	1- 6-2014	Included	14
2014-15	4- 7-2014	Included	14
2014-19	5- 5-2014	Included	14
2014-29	6- 2-2014	Included	14
2014-32	6-16-2014	Included	14
2014-36	7- 7-2014	Included	14
2014-37	7- 7-2014	Included	14
2014-51	9- 8-2014	Included	14
2013-45	9-23-2013	Included	15
2014-52	9-22-2014	Included	15
2015-03	1-26-2015	Included	15
2015-06	2- 2-2015	Included	15
2015-10	3- 2-2015	Included	15
2015-15	3-16-2015	Included	15
2015-20	4- 6-2015	Included	15
2015-27	4- 6-2015	Included	15
2015-42	5-18-2015	Included	15
2015-52	7- 6-2015	Included	15
2015-56	8- 3-2015	Included	15
2015-59	9-14-2015	Included	15
2015-64	9-14-2015	Included	15
2015-65	9-14-2015	Included	15
2015-75	11- 2-2015	Included	15
2015-79	12- 7-2015	Included	15
2015-82	12- 7-2015	Included	15
2016-04	1-11-2016	Included	15
2016-06	2- 8-2016	Included	16
2016-15	3- 7-2016	Included	16
2016-18	3-21-2016	Included	16
2016-37	6- 6-2016	Included	16
2016-44	6-20-2016	Included	16
2016-47	7-11-2016	Included	16
2016-49	7-25-2016	Included	16

SUPPLEMENT HISTORY TABLE

<b>Ordinance Number</b>	<b>Date Adopted</b>	<b>Included/ Omitted</b>	<b>Supplement Number</b>
2016-51	8- 8-2016	Included	16
2016-66	9-12-2016	Included	16
2016-68	10- 3-2016	Included	16
2016-72	10-17-2016	Included	16
2016-77	11- 7-2016	Included	16
2016-83	12-19-2016	Included	16



## **MUNICIPAL CODE**

### **Chapter 1**

#### **GENERAL PROVISIONS**

- Sec. 1-1. Designation and citation of Code.
- Sec. 1-2. Definitions and rules of construction.
- Sec. 1-3. Acceptance of Code in courts and tribunals of state.
- Sec. 1-4. Catchlines of sections, subsections and other headings.
- Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.
- Sec. 1-6. Distribution of Code.
- Sec. 1-7. Effect of repeal of ordinances.
- Sec. 1-8. Jurisdiction.
- Sec. 1-9. Severability of parts of Code.
- Sec. 1-10. Unauthorized alteration or tampering with Code.
- Sec. 1-11. General penalty for violation of Code; continuing violations; judicial enforcement of Code upon conviction.
- Sec. 1-12. Responsibility for acts.
- Sec. 1-13. Officers, employees not liable to fine for failure to perform duties.
- Sec. 1-14. Acts punishable under different sections.
- Sec. 1-15. References and notes.
- Sec. 1-16. Village seal.
- Sec. 1-17. Copies on file.
- Sec. 1-18. Supplementation of Code.
- Sec. 1-19. Ordinances not affected by adoption of Code.



**Sec. 1-1. Designation and citation of Code.**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as the "Gurnee Municipal Code," and may be so cited.

(Code 1977, § 1.01)

**State law reference**—Revision and codification of ordinances, 65 ILCS 5/1-2-3 et seq.

**Sec. 1-2. Definitions and rules of construction.**

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

*Board.* The terms "board" and "village board" mean the board of trustees of the Village of Gurnee, Illinois.

*Code.* The terms "Code" and "this Code" mean the Gurnee Municipal Code, including any additions or amendments to such Code by ordinances adopted subsequent to the last ordinance included in the Code prior to its adoption. Reference to a section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

*Computation of time.* The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

**State law reference**—Similar provisions, 5 ILCS 5/70.1.11.

*Corporate limits and village limits.* The terms "corporate limits" and "village limits" shall mean the legal boundaries of the Village of Gurnee.

*County and the county.* The terms "county" and "the county" mean Lake County in the State of Illinois.

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

*Gender.* A word importing the masculine gender may be applied to females.

**State law reference**—Similar provisions, 5 ILCS 70/1.04.

*ILCS.* The letters "ILCS" mean the Illinois Compiled Statutes, as now or hereafter amended.

*In the village and within the village.* The terms "in the village" and "within the village" mean and include all territory over which the village now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

*Joint authority.* Words purporting to give a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or persons.

**State law reference**—Similar provisions, 5 ILCS 70/1.09.

*Misdemeanor.* The term "misdemeanor" means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

**State law reference**—Similar provisions, 720 ILCS 5/2-11

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

**State law reference**—Similar provisions, 5 ILCS 70/1.10

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

*Nuisance.* The term "nuisance" means anything offensive or obnoxious to the health and welfare of the inhabitants of the village; or any

act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

*Number.* Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular.

**State law reference**—Similar provisions, 5 ILCS 70/1.03.

*Oath.* The term "oath" shall be deemed to include an affirmation, and the term "sworn" shall be construed to include the term "affirmed."

**State law reference**—Similar provisions, 5 ILCS 70/1.2.

*Occupant or tenant.* The term "occupant" or "tenant," applied to a building or land, means any person who holds a written or an oral lease of or who actually occupies the whole or a part of such building or land, either alone or with others.

*Offense.* The term "offense" shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

*Officers, departments, boards, commissions, committees and employees* referred to in this Code shall mean officers, departments, boards, commissions, committees and employees of the village, unless the context clearly indicates otherwise.

*Operator.* The term "operator" shall mean the person who is in charge of any operation, business or profession.

*Or, and.* The term "or" may be read "and," and the term "and" may be read "or," if the sense requires it.

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

*Person.* The term "person," as well as all words referring to or importing persons, may extend and be applied to bodies politic and corporate as well as individuals.

**State law reference**—Similar provisions, 5 ILCS 70/1.05.

*Personal property.* The term "personal property" means and includes every species of property, except real property as defined by this section.

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

*Property.* The term "property" shall include real and personal property.

*Real property.* The term "real property" shall include lands, tenements and hereditaments and shall embrace all chattels real.

*Shall; may.* The term "shall" is mandatory; the term "may" is permissive.

*Sidewalk.* The term "sidewalk" means that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

*Signature and subscription.* The terms "signature" and "subscription" include a mark when the person cannot write.

*State.* The terms "state" and "the state" shall mean the State of Illinois.

*Street.* The term "street" shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic.

*Tenant.* The term "tenant" applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

*Tense.* Words in the present tense include the future.

**State law reference**—Similar provisions, 5 ILCS 70/1.02.

*Village.* The term "village" means the Village of Gurnee, Illinois.

*Village president and president.* The terms "village president" and "president" mean the president of the village. The president of the village may also be referred to as "mayor" or "president" of the village.

**State law reference**—Authority to provide president may also be called "mayor," 65 ILCS 5/1-1-2.1.

*Written, in writing.* The terms "written" and "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by



law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or if he is unable to write, by his proper mark.

*Year.* The term "year" means a calendar year unless otherwise expressed.

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

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

(Code 1977, §§ 1.02, 1.06(e))

**Sec. 1-3. Acceptance of Code in courts and tribunals of state.**

This Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinances of the village of general and permanent effect, except the excluded ordinances referred to in section 1-19.

**Sec. 1-4. Catchlines of sections, subsections and other headings.**

The catchlines of the several sections and subsections, and the headings of chapters, articles, divisions and subdivisions are intended as mere catchwords to indicate the contents of the section, subsection, chapter, article, division or subdivision, and shall not be deemed or taken to be titles of such sections, subsections, chapters, articles, divisions or subdivisions, nor as any part of the section, subsection, chapter, article, division or subdivision, nor, unless expressly so provided, shall they be so deemed when any of such sec-

tions, subsections, chapters, articles, divisions or subdivisions, including the catchlines or other headings, are amended or reenacted.

**Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.**

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

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Section \_\_\_\_\_ of the Gurnee Municipal Code is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full.

(c) If a new section not then existing in the Code is to be added, the following language shall be used: "The Gurnee Municipal Code is hereby amended by adding a section (or article or chapter) to be numbered \_\_\_\_\_, which section (or article or chapter) reads as follows: . . . ." The provisions shall then be set out in full.

(d) All sections, articles, chapters or provisions of this Code desired to be repealed must be specifically repealed by section, article or chapter number, as the case may be.

(e) Two official copies of this Code shall be maintained so that all amendments thereto and all general ordinances thereafter passed may be posted and inserted in their proper places within the Code. One of the copies shall be maintained by the village clerk and the other by the village attorney. In case of any doubt as to whether a new

ordinance is a general ordinance, the village clerk shall be guided by the advice of the village attorney.

**Sec. 1-6. Distribution of Code.**

All printed copies of this Code shall be deposited with the village clerk, who shall cause one copy to be delivered to each member of the board of trustees and to such other person or persons who may wish to purchase a copy. The village clerk shall maintain a register of the names and addresses of all persons to whom copies of this Code are furnished.

**Sec. 1-7. Effect of repeal of ordinances.**

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

(Code 1977, § 1.04)

**Sec. 1-8. 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.

(Code 1977, § 1.05)

**Sec. 1-9. Severability of parts of Code.**

Should any section, paragraph, sentence, clause, phrase or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Code, since the same would have been enacted by the village board without the incorporation in this Code of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

(Code 1977, § 1.10)

**Sec. 1-10. Unauthorized alteration or tampering with Code.**

It shall be unlawful for any person in the village to change or amend, by additions or deletions, any part or portions of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the village to be misrepresented thereby.

**Sec. 1-11. General penalty for violation of Code; continuing violations; judicial enforcement of Code upon conviction.**

Whenever in this Code or in any ordinance of the village any act is prohibited or is made or declared to be unlawful or any offense, or whenever in such code or ordinance the doing of any act is required and the failure to do any act is declared unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine as set forth in section 32-31. Each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense.

(Code 1977, § 1.06(a)—(c); Ord. No. 2013-40, § I, 8-19-2013)

**State law reference**—Authority to provide that ordinance violations constitute misdemeanors and to provide for penalties, 65 ILCS 5/1-2-1, 1-2-1.1.

**Sec. 1-12. Responsibility for acts.**

Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act, or prosecutes, counsels, aids or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

(Code 1977, § 1.07)

**Sec. 1-13. Officers, employees not liable to fine for failure to perform duties.**

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention

of the village board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

(Code 1977, § 1.06(f))

**Sec. 1-14. Acts punishable under different sections.**

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

**Sec. 1-15. References and notes.**

Cross references, state law references, editor's notes and history notes are by way of explanation only and shall not be deemed a part of the text of any section.

**Sec. 1-16. Village seal.**

The seal of the Village of Gurnee, Lake County, Illinois, shall be in circular form with the words "Village of Gurnee, Lake County, Illinois" on the outer circle, and in the interior of such circle the words, "Incorporated March 7, A.D. 1928" which shall be, and is hereby established and declared to be the seal of the Village of Gurnee, Lake County, Illinois.

(Code 1977, § 1.08)

**Sec. 1-17. Copies on file.**

Copies of this Code shall be kept available at the village clerk's office for public inspection at all reasonable hours.

(Code 1977, § 1.12)

**Sec. 1-18. Supplementation of Code.**

(a) By contract or by village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the village board. A supplement to the Code shall include all substantive parts of permanent and general ordi-

nances passed by the village board during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

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

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

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections or the alphabetical arrangement of new chapters inserted into

the Code. In no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**Sec. 1-19. Ordinances not affected by adoption of Code.**

(a) The repeal provided for in the ordinance adopting this Code shall not affect any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of such Code. If any penalty, forfeiture or punishment is mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness, or any contract or obligation assumed by the village.
- (3) Any right or franchise granted by any ordinance of the village.
- (4) Any ordinance establishing, dedicating, accepting the dedication of, naming, establishing, grading, naming, improving, altering, locating, opening, paving, widening, vacating, etc., any street, alley, sidewalk, public way, public park or public grounds in the village.
- (5) Any appropriation ordinance.
- (6) Any ordinance levying or imposing taxes or special assessments, or authorizing tax fund transfers, not inconsistent with this Code.
- (7) Any ordinance establishing zoning regulations or any ordinance rezoning specific property or any amendment thereto.
- (8) Any ordinance establishing or prescribing street or sidewalk grades in the village.

- (9) Any ordinance providing for local improvements and assessing taxes therefor.
- (10) Any ordinance dedicating or accepting any plat or subdivision in the village.
- (11) Any ordinance establishing the boundaries of any wards in the village, or extending or contracting the boundaries of the village.
- (12) Any ordinance respecting the conveyance or acceptance of real property or easements in real property.
- (13) Any ordinance prescribing the number, classification or compensation of any village officers or employees, not inconsistent herewith.
- (14) Any ordinance declaring certain property to be a public nuisance and authorizing procedures for the demolition of same.
- (15) Any ordinance adopted by reference by any provision of this Code or any amendments to such ordinances.
- (16) Any ordinance establishing fire lanes on private property.
- (17) Any temporary or special ordinance not in conflict with the provisions of this Code.
- (18) The administrative ordinances not in conflict or inconsistent with this Code.

(b) The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, are continuations of such ordinances and not new enactments.

(Code 1977, § 1.03)

## Chapter 2

### ADMINISTRATION\*

#### Article I. In General

Secs. 2-1—2-30. Reserved.

#### Article II. Board of Trustees

##### Division 1. Generally

Sec. 2-31. Government of village.  
Sec. 2-32. Elections and terms of village board.  
Sec. 2-33. Meetings.  
Sec. 2-34. President pro tem; temporary chairman.  
Sec. 2-35. Quorum.  
Secs. 2-36—2-50. Reserved.

##### Division 2. Rules of Order

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Sec. 2-52. Order of business.  
Sec. 2-53. Duties of the presiding officer.  
Sec. 2-54. Visitors.  
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Sec. 2-56. Debate.  
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Sec. 2-66. Adoption of Roberts Rules of Order Revised.  
Sec. 2-67. Temporary suspension of rules; amendment of rules.  
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#### Article III. Officers and Employees

##### Division 1. Generally

Sec. 2-91. Appointments.  
Sec. 2-92. Terms of office; vacancies.  
Sec. 2-93. Assignment of duties.  
Sec. 2-94. Records.  
Sec. 2-95. Moneys received.  
Sec. 2-96. Oath.

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\***Cross references**—Administration of buildings and building regulations, § 18-31 et seq.; civil emergencies, ch. 26; human relations, ch. 38; law enforcement, ch. 42; planning, ch. 54; administration of subdivision regulations, § 70-31 et seq.; taxation, ch. 74; administration and enforcement of traffic and vehicle regulations, § 78-31 et seq.; utilities, ch. 82; administration of utility regulations, § 82-31 et seq.

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- Sec. 2-97. Bond.
- Sec. 2-98. Salaries.
- Sec. 2-99. Termination of office.
- Sec. 2-100. Terms of elected officials.
- Secs. 2-101—2-115. Reserved.

### Division 2. President

- Sec. 2-116. Election and term of office.
- Sec. 2-117. Supervisory powers.
- Sec. 2-118. Designation of duties.
- Sec. 2-119. Bond and oath.
- Sec. 2-120. Appointments.
- Sec. 2-121. Removal of officers.
- Sec. 2-122. Licenses.
- Sec. 2-123. Signature.
- Secs. 2-124—2-140. Reserved.

### Division 3. Administrator

- Sec. 2-141. Creation of office.
- Sec. 2-142. Compensation.
- Sec. 2-143. Powers and duties.
- Sec. 2-144. Bond.
- Sec. 2-145. Budget officer and budget adoption procedure.
- Sec. 2-146. Budget officer.
- Sec. 2-147. Powers and duties of budget officer.
- Sec. 2-148. Compilation and contents of budget.
- Sec. 2-149. Passage of annual budget—Effect.
- Sec. 2-150. Capital improvement, repair, or replacement fund.
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- Sec. 2-152. Funds for contingency purposes.
- Sec. 2-153. Public inspection, notice and hearing on budget.
- Secs. 2-154—2-160. Reserved.

### Division 4. Clerk

- Sec. 2-161. Election and term.
- Sec. 2-162. Oath, bond.
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- Sec. 2-164. Minutes; notices.
- Sec. 2-165. Custody of seal and records.
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- Sec. 2-168. Preparation of documents.
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- Sec. 2-171. Moneys received.
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- Sec. 2-173. Deputy village clerk.
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- Sec. 2-366. Established.
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## ARTICLE I. IN GENERAL

**Secs. 2-1—2-30. Reserved.**

## ARTICLE II. BOARD OF TRUSTEES

### DIVISION 1. GENERALLY

#### **Sec. 2-31. Government of village.**

The village shall be governed by a board of trustees which shall be elected at large and shall consist of a president and six trustees.  
(Code 1977, § 2.01)

#### **Sec. 2-32. Elections and terms of village board.**

(a) The term of office of the trustees shall be four years and until their successors are elected and have qualified. After the first election, three trustees shall be elected by the electors of the village for a four-year term at the regular village election held on the first Tuesday in April of each odd numbered year, as provided by statute.

(b) The term of office of the village president shall be four years. The village president shall be elected by the electors of the village at the regular village election held on the first Tuesday in April 1973 and each fourth year thereafter.

(c) Vacancies in the offices of trustee or village president shall be filled as prescribed by 65 ILCS 5/3.1-10-50.  
(Code 1977, § 2.02)

#### **Sec. 2-33. Meetings.**

(a) *Regular meeting.* Regular meetings of the president and board of trustees of the village shall be held on the first and third Mondays of each month at Gurnee Village Hall, 325 N. O'Plaine Road, Gurnee, Illinois. Any regular meeting failing upon a national holiday shall be held on the next following Monday at the same hour and place, and shall take the place of the previously scheduled committee-of-the whole meeting. Meetings of the Board shall start at times to accommodate and encourage public attendance, and shall be set in compliance with

the annual calendar of meetings approved by the village board pursuant to the Illinois Open Meetings Act.

(b) *Committee-of-the-whole meetings.* Committee-of-the-whole meetings shall be held on the fourth Monday of each month at Gurnee Village Hall, 325 N. O'Plaine Road, Gurnee, Illinois. Any committee-of-the-whole meeting falling upon a national holiday shall be held on the next following Monday at the same hour and place, so long as a regular meeting has not been previously scheduled.

(c) *Special meetings.* Special meetings may be called by the president or any three members of the board of trustees by written request or notice being filed with the village clerk in accordance with 5 ILCS 120/1 et seq. The clerk shall cause an affidavit showing service of such notice as herein provided to be filed in his office prior to the time fixed for such special meeting; together with a statement of compliance with the notices to members of the media as provided in 5 ILCS 120/1 et seq. Any special meeting attended by all of the members of the board of trustees shall be a regular meeting for the transaction of any business that may come before such meeting if all members are present and so agree. All meetings of the board of trustees shall be held in the village municipal building, including special and adjourned meetings, and all meetings, except executive sessions of the board of trustees, shall be open to the public, as is required by statute. Regular or special meetings may be held at other locations upon serving of proper notice.

(d) *Presiding officer.* The president shall not vote on any ordinance, resolution, or motion except the following:

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

(e) *Convening meeting.* Each meeting of the board of trustees shall convene at the time appointed for such meeting, as provided by ordinance. The village clerk, or someone appointed to fill his place by the presiding officer, shall thereupon immediately call the roll of members. If no quorum be present, the board of trustees shall not thereby stand adjourned, but the members present shall be competent to adjourn or recess the board by majority vote. If no quorum is present and the members present desire to compel the attendance of the absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees.

(Code 1977, § 2.03(a)—(e); Ord. No. 98-81, § 1, 7-20-1998; Ord. No. 98-153, § 1, 12-21-1998; Ord. No. 2015-10, § I, 3-2-2015)

**Sec. 2-34. President pro tem; temporary chairman.**

(a) If the president is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as president pro tem. The president pro tem, during this absence or disability, 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 alderman or trustee.

(b) In the absence of the president, acting president, or president pro tem, the corporate authorities may elect one of their members to act as a temporary chairman. The temporary chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as trustee on any ordinance, resolution, or motion. (Code 1977, § 2.03(d); Ord. No. 98-81, § 1, 7-20-1998)

**Sec. 2-35. Quorum.**

A majority of the trustees or three trustees and the village president shall constitute a quorum to do business at any meeting of the board of trustees.

(Code 1977, § 2.04)

**Secs. 2-36—2-50. Reserved.**

**DIVISION 2. RULES OF ORDER**

**Sec. 2-51. Generally.**

The rules in this division shall govern meetings of the board of trustees.

(Code 1977, § 2.05)

**Sec. 2-52. Order of business.**

The first order of business shall be the approval of the minutes of the preceding meeting. All other matters shall be taken up in the order in which they appear on the agenda prepared by the village administrator. Provided, however, that at the request of the president or any trustee any topic on the agenda may, with the consent of the board of trustees, be considered at any time.

(Code 1977, § 2.05(a))

**Sec. 2-53. Duties of the presiding officer.**

(a) The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order subject to appeal. If the presiding officer refuses to allow the trustees to exercise their right to appeal a decision of the chair, the trustees may consider and pass upon the matter in spite of the chair's failure to grant them an appeal.

(b) In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

(Code 1977, § 2.05(b))

**Sec. 2-54. Visitors.**

Except during the time allotted for public discussion and comment, no person, other than a member of the board shall address that body, except with the consent of a majority of the board of trustees present.

(Code 1977, § 2.05(c))

**Sec. 2-55. Presentation of new business and deferment.**

When a member wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall send it to the desk of the clerk who shall read such matter when



reached in its proper order. Upon the request of any two trustees present, any report of a committee of the board of trustees shall be deferred, for final action thereon, to the next regular meeting of the board of trustees after the report is made. (Code 1977, § 2.05(d))

**Sec. 2-56. Debate.**

(a) No member of the board of trustees shall speak more than once on the same question, except by unanimous consent, and then not until every other member of the board of trustees desiring to speak shall have had an opportunity to do so; provided however, that the proponent of the matter under consideration or the chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member of the board of trustees shall speak longer than ten minutes at any one time, except by consent of the board; and in closing debate on any question, as above provided, the speaker shall be limited to five minutes, except by special consent of the board of trustees.

(b) While a member of the board of trustees is speaking no member shall hold any private discussion, nor pass between the speaker and the chair. (Code 1977, § 2.05(e))

**Sec. 2-57. Call of member to order.**

A member of the board of trustees, when called to order by the chair, shall thereupon discontinue speaking and take his seat and the order of ruling of the chair shall be binding and conclusive, subject only to the right of appeal. (Code 1977, § 2.05(f))

**Sec. 2-58. Appeals from decisions of the chair.**

Any member may appeal to the board of trustees from a ruling of the chair, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal, and the chair may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The chair shall then put the question, "Shall the

decision of the chair be sustained?" If a majority of the members present vote no, the decision of the chair shall be overruled; otherwise, it shall be sustained.

(Code 1977, § 2.05(g))

**Sec. 2-59. Voting.**

Every member of the board of trustees who shall be present when a question is stated from the chair shall vote thereon, unless excused by the board, or unless he is personally interested in the question, in which cases he shall not vote. (Code 1977, § 2.05(h))

**Sec. 2-60. Seconding of motions required; written motions; reading of motions, resolutions, ordinances, minutes and correspondence.**

No motion shall be put or debated in the board of trustees or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate. The reading of any motion, resolution or ordinance may be waived as may the reading of the minutes of a previous meeting.

(Code 1977, § 2.05(i))

**Sec. 2-61. Withdrawal of motions.**

After a motion or resolution is stated by the presiding officer, it shall be deemed to be in possession of the board of trustees but it may be withdrawn at any time before decision, by consent of the board.

(Code 1977, § 2.05(j))

**Sec. 2-62. Record of motions.**

In all cases where a resolution or motion is entered in the journal, the name of the member moving and seconding the resolution or motion shall be entered.

(Code 1977, § 2.05(k))

**Sec. 2-63. Taking and entering the votes; explanation of votes.**

The yeas and nays upon any question shall be taken and entered in the journal. When the clerk has commenced the call of the roll of the board for

the taking of a vote by yeas and nays, all debate on the question before the board shall be deemed concluded, and during the taking of the vote a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the clerk by answering yea or nay as the case may be.

(Code 1977, § 2.05(l))

**Sec. 2-64. Publication.**

All ordinances imposing any penalty for a violation thereof, or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form in which case, the ordinance in its pamphlet shall be displayed for a reasonable period in a public place in the municipal building.

(Code 1977, § 2.05(m))

**Sec. 2-65. Time of taking effect.**

Ordinance adopted by the village board shall take effect in accordance with 65 ILCS 5/1-2-4.

(Code 1977, § 2.05(n))

**Sec. 2-66. Adoption of Roberts Rules of Order Revised.**

The rules of parliamentary practice comprised in Roberts Rules of Order Revised, 1991, Ninth Revised Edition, shall govern the board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the board or the statutes or laws of the state.

(Code 1977, § 2.05(o))

**Sec. 2-67. Temporary suspension of rules; amendment of rules.**

These rules may be temporarily suspended by a vote of two-thirds of all the trustees entitled by law to be elected, and shall not be repealed, altered or amended, unless by concurrence of two-thirds of all the trustees entitled by law to be elected.

(Code 1977, § 2.05(p))

**Sec. 2-68. Committees.**

(a) Committees of the board of trustees may be created from time to time. Committees shall consist of three members including the chairman, unless the board of trustees otherwise directs. All committees shall be appointed by the village president and approved by the board of trustees.

(b) The village president, with the approval of the board of trustees may appoint standing committee chairmen at the organizational meeting in May, who will function as chairmen of their respective committees when established.

(Code 1977, § 2.06)

**Sec. 2-69. Omnibus vote.**

In addition to the voting requirements set forth above, the president and board of trustees at any meeting may, by unanimous consent of the president and all trustees present, agree to take a single vote by "ayes" and "nays" on several questions of the passage of any two or more orders, ordinances, resolutions, proclamations or motions placed together for voting purposes in a single group, and designated for such purposes on the agenda of the board as "omnibus vote agenda" matters. In such event, the "ayes" and "nays" on the omnibus vote agenda matters shall be entered in the journal under the designation "omnibus vote" and the "ayes" and "nays" on the omnibus vote agenda matters shall be entered in the journal as "ayes" and "nays" for each such order, ordinance, resolution, proclamation or motion included in the roll call on the omnibus vote agenda, or, in lieu thereof, the words "omnibus vote" shall be entered in the journal in each such case; provided, however, that by request prior to the announcement of the vote on the omnibus vote agenda, the president or any member may have his vote on any specific item recorded as "nay" or "abstain" or "excused" notwithstanding his vote of "aye" on the omnibus vote agenda. The question of the passage or failure of each order, ordinance, resolution, proclamation or motion on the omnibus vote agenda shall be determined individually by the votes so recorded.

(Ord. No. 2001-11, § 1(2.05(q)), 2-5-01)

**Secs. 2-70—2-90. Reserved.**



**ARTICLE III. OFFICERS AND  
EMPLOYEES\***

**DIVISION 1. GENERALLY**

**Sec. 2-91. Appointments.**

The village president by and with the consent of the board of trustees shall make appointments to fill all appointive offices.

(Code 1977, § 3.19(a))

**Sec. 2-92. Terms of office; vacancies.**

Every appointive 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 provision of this Code.

(Code 1977, § 3.19(b))

**Sec. 2-93. Assignment of duties.**

The president shall have the power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific of-

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\***Cross references**—Any ordinance prescribing the number, classification or compensation of any village officers or employees, not inconsistent herewith saved from repeal, § 1-19(a)(13); building commissioner, § 18-46 et seq.; fire chief, § 34-62; chief of police, § 42-32; plat officer, § 70-51 et seq.



ficer and shall determine disputes or questions relating to the respective powers or duties of officers.

(Code 1977, § 3.19(c))

**Sec. 2-94. Records.**

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

(Code 1977, § 3.19(d))

**Sec. 2-95. Moneys received.**

Every officer of the village shall on a weekly basis turn over all moneys received by him in his official capacity to the treasurer with a statement which shows the source from which the money was received.

(Code 1977, § 3.19(e))

**Sec. 2-96. Oath.**

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

(Code 1977, § 3.19(f))

**Sec. 2-97. Bond.**

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

(Code 1977, § 3.19(g))

**Sec. 2-98. Salaries.**

All officers and employees of the village shall receive such salaries as may be provided from time to time by ordinance. No officer or employee receiving a salary from the village shall be entitled to retain any portion of any fees collected by him in the performance of his duties as municipal officer or employee in the absence of a specific ordinance provision to that effect.

(Code 1977, § 3.19(h))

**Sec. 2-99. Termination of office.**

Every officer of the village, upon the termination of his office, shall deliver to his successor all books and records which are 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 treasurer.

(Code 1977, § 3.19(i))

**Sec. 2-100. Terms of elected officials.**

The terms of elected municipal officials shall begin at the first regular or special meeting of the board of trustees in May, following the municipal election in April 1981 and each odd numbered year thereafter.

(Code 1977, § 3.20)

**Secs. 2-101—2-115. Reserved.**

DIVISION 2. PRESIDENT

**Sec. 2-116. Election and term of office.**

The president shall be the president of the board of trustees as provided by statute. The president may be referred to as mayor.

(Code 1977, § 3.01(a))

**Sec. 2-117. Supervisory powers.**

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

(Code 1977, § 3.01(b))

**State law reference**—Similar provisions, 65 ILCS 5/3.1-35-20.

**Sec. 2-118. Designation of duties.**

The president shall settle any question as to the respective powers or duties of any appointed officer or employee of the village in accordance with village policy manual. 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. (Code 1977, § 3.01(c))

**Sec. 2-119. Bond and oath.**

Before entering upon the duties of his office the president shall give a surety bond conditioned upon his faithful performance of his duties, in the sum of \$3,000.00. The president shall take the oath of office prescribed by statute, and shall receive such compensation as may be set from time to time by the board. (Ref. IMC 3-14-3) (Code 1977, § 3.01(d))

**Sec. 2-120. Appointments.**

The president shall appoint, by and with the advice and consent of the board of trustees, all officers whose appointment is not otherwise provided for by law; and whenever a vacancy occurs in any office, which by law or ordinance he is empowered and required to fill, he shall within 30 days after the happening of such vacancy, communicate to the board the name of his appointee to such office, and pending the concurrence of the board in such appointment, he may designate some suitable person to discharge the functions of such office. (Code 1977, § 3.01(e))

**Sec. 2-121. 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. The president shall report the reasons for such removal to the board at a meeting to be held not less than five days, nor more than ten days after such removal. If the president shall fail, or refuse 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, but he shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (Code 1977, § 3.01(f))

**State law reference**—Similar provisions, 65 ILCS 5/3.1-35-10.

**Sec. 2-122. Licenses.**

The president shall grant licenses for the purposes authorized by this Code to such persons as he may deem proper, unless the board shall otherwise provide, and he may revoke such license for cause. (Code 1977, § 3.01(g))

**Sec. 2-123. Signature.**

The president shall sign all commissions, permits and licenses granted by authority of the board, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature. (Code 1977, § 3.01(h))

**Secs. 2-124—2-140. Reserved.**

DIVISION 3. ADMINISTRATOR

**Sec. 2-141. Creation of office.**

There is hereby created the office of village administrator, an administrative office of the village. The village administrator shall be appointed by the village president, by and with the approval of the board of trustees. (Code 1977, § 3.05(a))

**Sec. 2-142. Compensation.**

The village administrator shall receive such compensation as shall be fixed from time to time by the village board of trustees. (Code 1977, § 3.05(b))

**Sec. 2-143. Powers and duties.**

The village administrator shall be the chief administrative officer of the village and he shall be responsible to the president and board of trustees for the proper administration of all af-

fairs, departments and offices of the village. The village administrator shall have the power and be required to:

- (1) Recommend to the president and the board of trustees the appointment of salaried or hired employees. The village administrator shall further recommend the removal or suspension of any salaried or hired employee when such removal or suspension shall be consistent with the best interest of the village. All such recommendations for appointment or removal shall be based upon merit and upon the qualifications or disqualifications of such employees and in accordance with the rules of the civil service commission.
- (2) Act as business manager for the village under the direction of the president and board of trustees. The village administrator shall coordinate and supervise administrative work, including: accounting practices, preparation of monthly financial reports; securing of annual audits by authorized certified public accountants; payment of approved salaries, wages, and bills; safekeeping of securities and valuable papers; preparation and use of authorized forms; collection and deposit with authorized depositories of all revenues; preparation of the budget and the annual appropriation and tax levy ordinances and scheduling of hearings relating thereto; filing of plats, ordinances, documents, and papers with the provision that appropriate documents be made conveniently available to the public; review and maintenance of authorized fidelity bonds and insurance; preparation and release of articles and information to keep the public informed of its village government; and informing the president and board of trustees of current federal and state legislation affecting the village.
- (3) Act as purchasing agent and budget officer for the village.
- (4) Assist the president in the enforcement of the laws of the state and the ordinances of the village.
- (5) Take charge of and manage the village office and all other village buildings and properties not specifically assigned to other officers or agencies of the village for management.
- (6) Administer the employment and personnel policies of the village as approved by the president and board of trustees and in accordance with the rules governing the civil service commission; recruit, interview, and employ necessary personnel for the several village departments and offices with the concurrence of the department heads and as required pursuant to rules governing the civil service commission, where applicable.
- (7) Administer the participation of eligible village employees in the state municipal retirement fund, and in the hospitalization and medical care plans, and further to assist the police pension fund of the village.
- (8) Fix all salaries or wages of temporary village employees not fixed by the board of trustees or not required to be fixed by the board pursuant to ordinance.
- (9) Coordinate operations affecting more than one department, office, or officer of the village.
- (10) Consolidate or combine offices, positions, departments, or units under his jurisdiction, with the consent of the president and board of trustees. The village administrator may be the head of one or more departments.
- (11) Make, or cause to be made, monthly and annual reports to the president and board of trustees of activities of all departments under his jurisdiction.
- (12) Attend all meetings of the board of trustees or committees thereof, unless excused therefrom by the board of trustees. The village administrator shall be entitled to notice of all meetings, regular and special,

of the board of trustees and shall have the privilege of taking part in the discussion of all matters coming before the board of trustees.

- (13) Supply such information and recommend such measures to the president and board of trustees as may be deemed advantageous to the village.
- (14) Meet the public in behalf of the president and board of trustees; receive suggestions; hear and investigate complaints in relation to all matters concerning the administration of the government of the village and in regard to services rendered by the public utilities in the village, and see that all franchises, permits, and privileges granted by the village are faithfully observed.
- (15) Attend all meetings of the planning and zoning board and board of local improvements and assist in the administration of the boards and commission.
- (16) Inform succeeding presidents and boards of trustees of the general principles of administrative programs and policies of previous administrations so that a continuity of programs and policies may be possible.
- (17) Perform such other duties, as may be assigned by the board of trustees, the ordinances of the village, and the laws of the state or as the president and board of trustees may direct or delegate from time to time.

(Code 1977, § 3.05(c); Ord. No. 2012-25, § II, 4-2-2012; Ord. No. 2015-15, § I, 3-16-2015)

#### **Sec. 2-144. Bond.**

The administrator/treasurer's bond shall be in an amount of dollars that is not less than three times the latest federal census population or any subsequent census figure used for motor fuel tax purposes.

(Code 1977, § 3.05(d))

**State law reference**—Treasurer's bond, 65 ILCS 5/3.1-10-30.

#### **Sec. 2-145. Budget officer and budget adoption procedure.**

Sections 8-2-9.1 through 8-2-9.10 of the Illinois Municipal Code, (65 ILCS 5/8-2-9.2 through 65 ILCS 5/8-2-9.10), are hereby adopted as set forth in this section 6-2.

(Ord. No. 2015-15, § I, 3-16-2015)

#### **Sec. 2-146. Budget officer.**

(a) There is created hereby the office of budget officer of the village, whose office shall be designated by the village administrator.

(b) Before entering upon the duties of this office, the budget officer shall take oath and post bond as provided by statute.

(Ord. No. 2015-15, § I, 3-16-2015)

#### **Sec. 2-147. Powers and duties of budget officer.**

The budget officer shall have the following powers and duties:

- (1) To permit, encourage, and establish the efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all municipal departments, commissions, and boards;
- (2) To compile an annual budget;
- (3) To examine all books and records of all village departments, commissions, and boards which relate to moneys received and paid out by the village, its departments, commissions, and boards and debts and accounts receivable, amounts owed by or to the village, its departments, commissions, and boards;
- (4) To obtain such additional information from the village, its departments, commissions, and boards as may be useful for purposes of compiling a municipal budget, such information to be furnished by the village, its departments, commissions, and boards in the form required by the budget officer; and
- (5) To establish and maintain such procedures as shall ensure that no expenditures are



made by the village, its departments, commissions, or boards except as authorized by the budget.  
(Ord. No. 2015-15, § I, 3-16-2015)

**Sec. 2-148. Compilation and contents of budget.**

The budget officer shall compile a budget which contains estimates of revenues available to the village for the fiscal year for which the budget is drafted, together with recommended expenditures for the village and all of its departments, commissions, and boards. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. Substantial conformity to a chart of accounts recommended by the National Committee on Governmental Accounting, the Auditor of Public Accounts of the State of Illinois, or the Division of Local Government Affairs and Property Taxes of the Department of Revenue of the State of Illinois or successor agencies thereof shall be deemed proof of such conformity. The budget shall contain actual or estimated revenues and expenditures for the two years immediately preceding the fiscal year for which the budget is prepared. So far as is possible, the fiscal data for such two preceding fiscal years shall be itemized in the manner which is in conformity with the chart of accounts recommended above. Each budget shall show the specific fund from which each anticipated expenditure shall be made.  
(Ord. No. 2015-15, § I, 3-16-2015)

**Sec. 2-149. Passage of annual budget—Effect.**

(a) Passage of the annual budget by adoption of an appropriate ordinance by the corporate authorities shall be in lieu of passage of the appropriation ordinance as required by statute.

(b) The annual budget shall be published in the manner provided for in section 2-153.

(c) The annual budget shall be adopted by the corporate authorities before the beginning of the fiscal year to which it applies.  
(Ord. No. 2015-15, § I, 3-16-2015)

**Sec. 2-150. Capital improvement, repair, or replacement fund.**

(a) In the preparation of the budget by the budget officer, an amount not to exceed three percent of the equalized assessed value of property subject to taxation by the village may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repairs, and/or replacement of specific types of municipal equipment or other tangible property, both real and personal, to be designated as the "Capital Improvement, Repair or Replacement Fund".

(b) Expenditures from the capital improvement, repair or replacement fund shall be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur.

(c) Upon the completion or abandonment of any project, or in the event any surplus moneys remain after the completion or abandonment of any project for which the capital improvement, repair or replacement fund was instituted, then such funds no longer necessary for capital improvement, repair or replacement shall be transferred to the general corporate fund of the village on the first day of the fiscal year following such abandonment or completion, or discovery of surplus funds.  
(Ord. No. 2015-15, § I, 3-16-2015)

**Sec. 2-151. Revision of annual budget.**

(a) While the village president and board of trustees have ultimate authority over the budget, the village administrator is authorized to delete, add to, change or create line items within funds budgeted previously to any department, subject to limitation or requirement for prior approval by the budget officer or village administrator. The revisions allowed in this subsection shall not include the authority to appropriate additional monies above the total appropriated for a given fund at the time the budget is adopted unless the budget is amended as set forth below.

(b) By a vote of two-thirds of the members of the corporate authorities then holding office, the annual budget for the village may be amended by deleting, adding to, changing, or creating funds or any item within the budget.

(c) No revision of the budget shall be made increasing the total budget in the event funds are not available to effectuate the purpose of the revision.

(Ord. No. 2015-15, § I, 3-16-2015)

**Sec. 2-152. Funds for contingency purposes.**

The annual budget may contain money set aside for contingency purposes not to exceed ten percent of the total budget, less the amount set aside for contingency purposes, which moneys may be expended for contingencies upon a majority vote of the corporate authorities then holding office.

(Ord. No. 2015-15, § I, 3-16-2015)

**Sec. 2-153. Public inspection, notice and hearing on budget.**

(a) The village president and board of trustees shall make the tentative annual budget conveniently available to public inspection for at least ten days prior to the passage of the annual budget by publication in the journal of the proceedings of the corporate authorities or in such other form as the village president and board of trustees may prescribe.

(b) Not less than one week after the publication of the tentative annual budget, and prior to final action on the budget, the village president and board of trustees of the village shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings the tentative annual budget may be further revised and passed without any further inspection, notice or hearing.

(c) Notice of the public hearing shall be given by publication in a newspaper having a general circulation in the village at least one week prior to the time of the hearing.

(Ord. No. 2015-15, § I, 3-16-2015)

**Secs. 2-154—2-160. Reserved.**

**DIVISION 4. CLERK**

**Sec. 2-161. Election and term.**

The village clerk shall be elected and serve for a four-year term and until his successor is elected and qualified, as provided by statute. (Code 1977, § 3.02(a))

**Sec. 2-162. Oath, bond.**

The clerk or deputy before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall execute a bond to the village in the penal sum of \$3,000.00 or such amount as may be fixed by resolution, with sureties as shall be approved by the president and board of trustees, conditioned for the faithful performance of the duties of his office, and the payment of all moneys that may be received by him, according to law and ordinance. The bond shall be filed with the treasurer.

(Code 1977, § 3.02(b))

**Sec. 2-163. Office.**

The clerk shall keep his office in the municipal building or at such other place as the board of trustees may direct.

(Code 1977, § 3.02(c))

**Sec. 2-164. Minutes; notices.**

The clerk shall attend all meetings of the board of trustees, and shall keep in a suitable book a full and faithful record of its proceedings. The clerk shall issue and cause to be served upon all trustees notices of all special meetings of the board; also notices to the members of the different committees of the board; and to all other persons whose attendance may be required before any such committee when so directed by the chairman thereof.

(Code 1977, § 3.02(d))

**Sec. 2-165. Custody of seal and records.**

The clerk shall be the keeper and custodian of the corporate seal of the village. The clerk shall carefully preserve in his office all books, records,



papers, maps and effects of every description  
belonging to the village or pertaining to his  
office,



and not in actual use and possession of other village officers. Upon the expiration of his official term he shall deliver all such records, books, papers and effects to his successor in office. (Code 1977, § 3.02(e))

**Sec. 2-166. Record of ordinances.**

The clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the board, within five days after passage and approval by the president, and at the foot of each ordinance so recorded, he shall make a memorandum showing dates of passage. (Code 1977, § 3.02(f))

**State law reference**—Similar provisions, 65 ILCS 5/1-2-5.

**Sec. 2-167. Delivery of papers to officers.**

The clerk shall, without delay, upon the adjournment of each meeting of the board, deliver to the several committees of the board, and to the officers of the village, all petitions, communications, reports, resolutions, orders, claims and other papers referred to those committees or officers by the board. The clerk shall also, without delay, deliver to the president all ordinances or resolutions in his charge, which are required to be approved or otherwise acted upon by the president. (Code 1977, § 3.02(g))

**Sec. 2-168. Preparation of documents.**

The clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under the laws and ordinances of the village and shall attest such documents with the corporate seal; and he shall in like manner attest all deeds for the sale or transfer of real estate owned by the village and all bonds issued by the village. (Code 1977, § 3.02(h))

**Sec. 2-169. Record of licenses.**

The clerk shall number in numerical order all licenses made out by him, and before delivery thereof, shall register them in like order in a book kept for that purpose, giving number, date, period of time for which issued, to whom issued, for what

purpose, fee, and definite location of business of licensee. The clerk shall also prior to May 1 of each year prepare and mail notices for renewal of licenses and payment of fees to the village to all persons engaged in or carrying on a business or occupation required to be licensed by this Code. (Code 1977, § 3.02(i))

**Sec. 2-170. Bookkeeping.**

The clerk shall keep a double entry set of books for the various funds of the village. The clerk shall, at the end of each month, prepare a statement or report showing receipts and disbursements of the various funds held by the treasurer, and shall also report expenditures and balances of appropriations as set up in appropriate ordinances. Such reports shall be presented at the first meeting in each month. At the end of the fiscal year an annual report shall be prepared and presented showing each fund in detail relative to receipts and disbursements for the year in such manner as to be self-explanatory to the board of trustees. (Code 1977, § 3.02(j))

**Sec. 2-171. Moneys received.**

The clerk shall receive all moneys due to the village, except tax, special improvement assessments and motor fuel tax refunds, which are paid direct to the treasurer. (Code 1977, § 3.02(k))

**Sec. 2-172. Other duties.**

In addition to the duties set forth in this division, the clerk shall perform all other duties pertaining to his office as are and may be imposed upon him by law or resolution of the board of trustees. (Code 1977, § 3.02(l))

**Sec. 2-173. Deputy village clerk.**

The clerk with the advice and consent of the board of trustees may appoint one or more persons to serve as deputy village clerk. A deputy clerk need not be a resident of the village. (Ord. No. 2006-13, § I, 2-13-2006)

**Sec. 2-174. Duties of deputy village clerk.**

A deputy village clerk may perform all of the duties and responsibilities of the village clerk at such time or times when the village clerk is absent from his/her office in the village hall. A deputy village clerk may execute all documents required by law to be executed by the village clerk and may affix the seal of the village clerk wherever required. When signing any document, the deputy village clerk shall sign the name of the village clerk followed with the word "by" and the deputy clerk's own name and the words "deputy clerk". A deputy clerk shall have such further power and authority as may be provided by statute.

(Ord. No. 2006-13, § I, 2-13-2006)

**Secs. 2-175—2-190. Reserved.**

DIVISION 5. TREASURER

**Sec. 2-191. Office created.**

There is hereby created the office of treasurer of the village.

(Code 1977, § 3.03(a))

**Sec. 2-192. Appointment.**

The president, at the first regular meeting in the month of May of each year, shall appoint, by and with the advice and consent of the board of trustees, some competent citizen of the village as treasurer for the ensuing fiscal year.

(Code 1977, § 3.03(b))

**Sec. 2-193. Oath and bond.**

The treasurer, before entering upon the duties of the office, shall take the oath prescribed by law, and shall execute a surety bond to the village, in a penal sum required by statute.

(Code 1977, § 3.03(c))

**Sec. 2-194. Duties generally.**

(a) The village treasurer shall receive all money belonging to the village and shall keep the treasurer's books and accounts in the manner prescribed by this division or other ordinances of

the village. These books and accounts shall always be subject to the inspection of any member of the corporate authorities.

(b) The treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging to the fund or appropriation.

(c) The treasurer shall give every person paying money into the treasury a receipt, specifying the date of payment and upon what account paid. The treasurer shall file copies of these receipts with the clerk, with the treasurer's monthly reports. If the treasurer has possession of money properly appropriated to the payment of any warrant lawfully drawn upon the treasurer, the treasurer shall pay the money specified in the warrant to the person designated by the warrant. (Code 1977, § 3.03(d))

**Sec. 2-195. Reports.**

At the end of every month, and oftener if required by the corporate authorities, the village treasurer shall render an account under oath to the corporate authorities, or to an officer designated by ordinance, 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. On the day the treasurer renders an account, these warrants, with all vouchers held by the treasurer, shall be delivered to the village clerk and filed, together with the account, in the clerk's office. The clerk shall keep the report on file in his office for the inspection of the general public. All paid warrants shall be marked "paid." The treasurer shall keep a register of all warrants, which shall describe each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid.

(Code 1977, § 3.03(e), (h))

**State law reference**—Similar provisions, 65 ILCS 5/3.1-35-45.

**Sec. 2-196. Personal use of funds.**

The municipal treasurer shall keep all money belonging to the municipality and in the treasurer's

custody separate and distinct from the treasurer's own money and shall not use, either directly or indirectly, the municipality's money or warrants for the personal use and benefit of the treasurer or 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 treasurer's office vacant and appoint a successor for the unexpired portion of the term in the manner prescribed for regular appointment.

(Code 1977, § 3.03(g))

**State law reference**—Similar provisions, 65 ILCS 5/3.1-35-55.

**Sec. 2-197. Report of receipts and expenditures.**

The municipal treasurer shall report to the corporate authorities, between May 1 and May 31 of each year, or as often as they require, a full and detailed account of all receipts and expenditures of the village, as shown by the treasurer's books, during the preceding fiscal year or up to the time of the report.

(Code 1977, § 3.03(h))

**State law reference**—Similar provisions, 65 ILCS 5/3.1-35-60.



**Sec. 2-198. Annual accounts.**

(a) Within six months after the end of each fiscal year, the treasurer shall annually prepare and file with the clerk of the village an account of moneys received and expenditures incurred during the preceding fiscal year as specified in this division. The treasurer shall show in the account:

- (1) All moneys received by the village, indicating the total amounts, in the aggregate, received in each account of the village, with a general statement concerning the source of receipts. In this paragraph, the term "account" does not mean each individual taxpayer, householder, licensee, utility user, or other persons whose payments to the village are credited to a general account.
- (2) Except as provided in subsection (a)(3) of this section, all moneys paid out by the village where the total amount paid during the fiscal year exceeds \$2,500.00 in the aggregate, giving the name of each person to whom moneys were paid and the total paid to each person.
- (3) All moneys paid out by the village as compensation for personal services, giving the name of each person to whom moneys were paid and the total amount paid to each person from each account.
- (4) A summary statement of operations for all funds and account groups of the village, as excerpted from the annual financial report as filed with the appropriate state agency.

(b) Upon receipt of the account from the village treasurer, the village clerk shall publish the account at least once in one or more newspapers published in the village or, if no newspaper is published in the village, then in one or more newspapers having a general circulation within the village.

**State law reference**—Similar provisions, 65 ILCS 5/3.1-35-65.

**Sec. 2-199. Delinquent officers.**

The treasurer shall report to the president and board of trustees 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.

(Code 1977, § 3.03(i))

**Sec. 2-200. Accounts.**

The treasurer shall keep his books and accounts in such manner as to show with accuracy all moneys received and disbursed by him 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 of his office shall be at all times open to examination by the president or board of trustees.

(Code 1977, § 3.03(j))

**Secs. 2-201—2-215. Reserved.**

DIVISION 6. ATTORNEY

**Sec. 2-216. Appointment.**

A village attorney shall be appointed by the president, by and with the consent of the board of trustees.

(Code 1977, § 3.04(a))

**Sec. 2-217. Qualifications.**

No person shall be appointed village attorney who is not a bona fide resident and voter of the county and the state. The village attorney need not be a resident of the village, but shall be a regularly licensed attorney of this state.

(Code 1977, § 3.04(b))

**Sec. 2-218. General duties.**

The village attorney shall, on behalf of the village, when so requested by the president or the board of trustees, prosecute or defend in court all cases in which the interests of the village or officers thereof are involved. The village attorney shall be furnished and supplied by the clerk with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceeding.

(Code 1977, § 3.04(c))

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**Sec. 2-219. Drafts of orders.**

The village attorney shall draft all such ordinances, resolutions, contracts, agreements and other papers as may be required of him by the president, the board of trustees, or any committees thereof. The village attorney shall be charged with the preparation of all ordinances pertaining to local improvements, petitions and other legal papers pertaining thereto.  
(Code 1977, § 3.04(d))

**Sec. 2-220. Contracts and deeds.**

The village attorney shall draw all deeds, leases, contracts or other papers required by the business of the village when requested so to do by the president, the board of trustees or the head of any department of the village government.  
(Code 1977, § 3.04(e))

**Sec. 2-221. Legal opinions.**

The village attorney shall when requested so to do furnish written opinions upon subjects transmitted to him by the president or upon a vote of the board of trustees.  
(Code 1977, § 3.04(f))

**Sec. 2-222. Compensation.**

The village attorney shall be paid such compensation as is determined by the board of trustees. For work other than attendance at regular village board meetings the village attorney shall be paid over and above his stated salary such compensation as may be agreed upon between himself and the board of trustees.  
(Code 1977, § 3.04(g))

**Sec. 2-223. Additional counsel.**

The board of trustees may employ other counsel from time to time.  
(Code 1977, § 3.04(h))

**Secs. 2-224—2-240. Reserved.**

**DIVISION 7. ENGINEER**

**Sec. 2-241. Created.**

There is hereby created the office of village engineer an administrative office of the village. The village engineer shall be appointed by the village president, by and with the consent of the board of trustees.  
(Code 1977, § 3.08(a))

**Sec. 2-242. Powers and duties.**

The village engineer shall be responsible for the planning, engineering and construction of all sewer and water systems, streets, lighting systems, storm drainage and retention, parking facilities or other construction projects of the village. The village engineer shall serve as plat officer of the village and as such be responsible for administering the subdivision control ordinances. The village engineer shall perform such other duties as prescribed by the president and board of trustees.  
(Code 1977, § 3.08(b))

**Sec. 2-243. Prerequisite.**

The village engineer shall be a competent civil engineer, registered or licensed as a professional engineer by the state.  
(Code 1977, § 3.08(c))

**Secs. 2-244—2-260. Reserved.**

**DIVISION 8. MUNICIPAL RETIREMENT  
FUND**

**Sec. 2-261. Illinois municipal retirement fund.**

The village elects to participate in the Illinois Municipal Retirement Fund, effective January 1, 1960.  
(Code 1977, § 3.17)

**Secs. 2-262—2-280. Reserved.**



DIVISION 9. ETHICS\*

**Sec. 2-281. Purpose.**

It is the goal of the village to guarantee fair, efficient, and honest government and to ensure the integrity and objectivity of its officers and employees. The purpose of this division is to implement regulations and procedures that are to be followed in conducting the business of the village.

(Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-282. Definitions.**

For purposes of this division, the following terms shall be given these definitions:

*Campaign for elective office* means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

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

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

*Compensated time* means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work

\***Editor's note**—Section III of Ord. No. 2005-97, adopted Nov. 7, 2005, repealed div. 9, which consisted of §§ 2-281—2-287. Section I of said ordinance enacted new provisions to be designated as §§ 2-281—2-295. Former div. 9 pertained to similar subject matter and derived from Ord. No. 96-126, adopted Oct. 28, 1996; and Ord. No. 2003-78, adopted Oct. 13, 2003.

time requirement imposed as a condition of his or her employment and sick days, but for purposes of this division, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

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

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

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

*Employer* means the Village of Gurnee.

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

*Leave of absence* means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

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

*Political activity* means any activity in support of, or in connection with, any campaign for elective office or any political organization, but does not include activities (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* means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or a county clerk 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* means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office, or on behalf of a political organization, for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

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

*Prohibited source* means any person or entity who:

- (1) Is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) Does business or seeks to do business (i) with the officer or (ii) with an employee, or with 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; or
- (4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

(Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-283. 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 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, sick days, 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 division.

(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 appli-

cable 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.

(Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-284. 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.

(Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-285. Exceptions.**

Section 2-284 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 includ-

ing the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancee.

- (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:
  - a. The history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
  - b. Whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
  - c. Whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- (8) Food or refreshments not exceeding \$50.00 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) Intragovernmental and intergovernmental gifts. For the purpose of this Act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (11) Bequests, inheritances, and other transfers at death.
- (12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00.

Each of the exceptions listed in this section is mutually exclusive and independent of every other. (Ord. No. 2005-97, § I, 11-7-2005)

#### **Sec. 2-286. 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 division if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. No. 2005-97, § I, 11-7-2005)

#### **Sec. 2-287. Conflict of interest.**

No officer or employee shall engage in any business or transaction or shall have a financial interest, direct or indirect, as is described in this section.

- (a) [*Financial interest.*] No officer or employee shall participate in, vote upon, or otherwise act on any matter in which that person is directly or indirectly financially interested. For purposes of this subparagraph, a person shall be deemed to be financially interested in any contract, grant, appropriation, or legislative enact-



ment that is made with, to, or for the benefit of that person, to any firm, partnership, association, corporation, or cooperative association as to which the person is a board member, director, or officer. No conflict shall be deemed to exist under this subparagraph as to any legislative enactments that affect the officer only to the extent that members of the general public are affected.

- (b) *[Conflict of interest.]* No officer or employee shall participate in, vote upon, or otherwise act on any matter in which that person has a conflict of interest as defined under the provisions of the Public Officer Prohibited Activities Act (50 ILCS 105/1, et seq.).
- (c) *Disclosure of confidential information.* No public official or employee with respect to any transaction which is or which is reasonably expected to become the subject of an official act or action, shall without proper legal authorization, disclose confidential information concerning the property, government or affairs of the village or use such information to advance the interest of such public official or employee or a family member.
- (d) *Appearance before village boards.* No public official or employee and no member of any agency, board, committee or commission on any matter within the jurisdiction of such agency, board, committee or commission shall appear on behalf of any private person or business entity, other than himself or a family member before any village agency, board, committee or commission; provided, however, that a member of an agency, board committee or commission may appear on behalf of or provide testimony in support of an applicant, not a family member, but such representations or appearances shall be limited to no more than two times in a single calendar year.
- (e) *Incompatible employment.* No public officer or employee shall engage in or accept private employment or render services for

private interests when such employment or services creates a conflict with or impairs the proper discharge of official duties.

- (f) *Private use of public property.* No public official or employee shall request or permit the use of village-owned vehicles, equipment, materials or property for personal convenience or profit except as otherwise allowed by rules and regulations of the village.
- (g) *Special treatment of others.* No public official or employee in exchange for a gift, favor, service or thing of value shall grant any special consideration, treatment or advantage to any person or business entity beyond that which is available to every other citizen.
- (h) *Disclosure of interest.* Any officer or employee who has, or whose family members have, an interest in a transaction which is the subject of an official act or action shall disclose on the record of the board or commission which performs such official act or to the village administrator, in the case of employees, the nature and extent of such interest and shall not participate in any official act or action regarding that transaction.  
(Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-288. Composition of ethics commission.**

An ethics commission is hereby established which:

- (a) Shall be composed of three members appointed by the president with the advice and consent of the board of trustees and will take into account the availability of licensed attorneys residing within the village to serve on the commission. The commission shall have a chairman who shall be appointed by the president.
- (b) Each member of the commission shall:
  - (1) Reside within the corporate boundaries of the village;
  - (2) Not be an employee of the village;

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- (3) Not hold elected public office within the village;
  - (4) Have no financial interest in any work or business conducted by the village;
  - (5) Not take an active part in managing the political campaign of a candidate for village office;
  - (6) Not be convicted of any felony or any crime involving moral turpitude;
  - (7) Not be related, either by blood or by marriage up to the degree of first cousin, to any elected official of the village.
- (c) The members of the commission shall be appointed for a term of three years and hold office until their successors have been appointed. The initial appointment of the members shall be as follows: one member for three years; one member for two years; and one member for one year. Each member shall before entering upon his duties take an oath of office.
- (d) Any member of the commission may be removed by the president, with the advice and consent of the board of trustees, for incompetence, substantial neglect of duty, gross misconduct, malfeasance in office, or violation of any law, after written notice, stating the grounds for removal.
- (e) Commission members shall receive no compensation for their services.
- (Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-289. Powers and duties of ethics commission.**

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 sections 2-283

and 2-287 of this division and refer violations of sections 2-283, 2-284 and 2-287 of this division to the appropriate attorney for prosecution. The commission shall, however, act only upon the receipt of a written complaint alleging a violation of this division 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 division.
  - (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 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.
  - (5) The powers and duties of the commission are limited to matters clearly within the purview of this division.
- (Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-290. Attorney for ethics commission.**

The president, with the advice and consent of the board of trustees, shall appoint an attorney to assist and advise the ethics commission. The attorney shall not:

- (1) Hold elected public office within the village or have any financial interest in any work or business conducted by the village;
- (2) Take an active part managing the political campaign of a candidate for village office; and
- (3) Be related either by blood or by marriage up to the degree of first cousin, to any elected official of the village.

The attorney for the commission shall be appointed for a term of one year and hold said position until his successor has been appointed. The attorney for the commission shall be compensated at a reasonable hourly rate determined by

the president prior to appointment. The president may remove the attorney for the commission, with or without cause, with the advice and consent of the board of trustees.

(Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-291. Duties of attorney for ethics commission.**

The attorney for the commission shall:

- (1) Provide guidance to the commission and assist the commission in the discharge of its duties;
- (2) Provide fair notice to each person entitled to notice in accordance with the procedures set forth in this division;
- (3) Assist and prepare records of proceedings and other written records including commission findings and decisions.

(Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-292. Ethics advisor.**

(a) The president shall designate an ethics advisor for the village.

(b) The ethics advisor shall provide guidance to the elected official, citizen appointees, and employees of the village concerning the interpretation of and compliance with the provisions of this division and state ethics laws.

(Ord. No. 2005-97, § I, 11-7-2005)

**Sec. 2-293. Ethics commission procedures.**

(a) Complaints alleging a violation of this division shall be filed with the ethics commission. The complaint shall include the following information:

- (1) The complaint shall set forth the date or time period when the alleged violation occurred;
- (2) The complaint shall describe in detail the act or acts complained of and provide a list of witnesses to the act or acts;
- (3) The complaint shall contain the complainant's home address, business telephone number and personal telephone number; and

(4) The complaint shall be signed by the complainant and notarized;

(5) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

(b) Within three 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 three 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 division, 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 seven business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of section 2-284 of this division and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within four 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 section 2-283 of this division, 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 open to the public on the complaint and shall allow both parties the opportunity to present testimony and evidence.

(e) Within 30 days after the date of 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 executive officer 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 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 seven days after the complaint is filed, and during the seven days preceding that election, the commission shall render such decision before the date of that election, if possible.

(Ord. No. 2005-97, § I, 11-7-2005)

#### **Sec. 2-294. Enforcement and penalties.**

(a) The commission may impose disciplinary action and/or a fine against any person it determines to be in violation of this division and may issue a decision which prescribes one or more of the following courses of action:

- (1) A reprimand.
- (2) An order to cease and desist the offensive action.

(3) An order to return or refund of money or other items, or an amount of restitution for services.

(4) Imposition of a fine in an amount not to exceed \$5,000.00.

(b) A violation of section 2-283 of this division, shall be prosecuted as a criminal offense by an attorney for the village by filing in the circuit court any 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 sections 2-284 and 2-287 of this division may be prosecuted as a quasi-criminal offense by an attorney for the village, or, by the ethics commission through the designated administrative procedure created herein.

(c) A person who intentionally violates any provision of sections 2-284 and 2-287 of this division is subject to a fine in an amount not to exceed \$5,000.00.

(d) A person who intentionally violates any provision of section 2-283 of this division may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.00.

(e) Any person who intentionally makes a false report alleging a violation of any provision of this division to the ethics commission may be fined by the commission in an amount not to exceed \$2,500.00.

(f) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of section 2-283, 2-284 or 2-287 of this division is subject to discipline.

(Ord. No. 2005-97, § I, 11-7-2005)

#### **Sec. 2-295. Review.**

The decision of the ethics commission to dismiss a complaint is not subject to administrative review under the Illinois Code of Civil Procedure. The imposition by the ethics commission of any



disciplinary action, penalty or fine is a final decision and subject to administrative review pursuant to the Illinois Code of Civil Procedure. (Ord. No. 2005-97, § I, 11-7-2005)

**Secs. 2-296—2-299. Reserved.**

DIVISION 10. ADMINISTRATIVE HEARING PROCEDURES\*

**Sec. 2-300. Purpose.**

(a) *Purpose.* The purpose of this section is to provide for the fair and efficient enforcement of village ordinances as may be allowed by law and directed by ordinance, through an administrative [adjudication] of violations of village ordinances and establishing a schedule of fines and penalties, and authority and procedures for the collection of unpaid fines and penalties. Further, that 65 ILCS 5/1-2.1 is hereby adopted.

(b) *Establishment.* There is hereby established an administrative division of the municipal government to be known as the village administrative hearing division, which is vested with the power to enforce compliance with all municipal ordinances as from time to time may be authorized by the village board, except for any offense under the state vehicle code (adopted by the village under chapter 78) that is a traffic regulation governing the movement of vehicles, and except for any reportable offense under section 6-204 of the state vehicle code [(625 ILCS 5/6-204)]. The establishment of the village administrative hearing division does not preclude the village from using any other method to enforce the ordinances of the village. (Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-301. Jurisdiction.**

Matters subject to the administrative hearing division provided for by this title are charges of

\***Editor's note**—At the editor's discretion Ord. No. 2013-52, § I, adopted November 4, 2013 was treated as repealing div. 10, §§ 2-300—2-312 and enacting a new div. 10, §§ 2-300—2-315. Former div. 10 pertained to similar subject matter and was derived from Ord. No. 2007-18, § I, adopted March 5, 2007; Ord. No. 2012-25, § II, April 2, 2012 and Ord. No. 2013-40, § II, adopted August 19, 2013.

violation of any ordinance (alternatively, "Municipal Code" or "Code") of the village as amended, except the following:

- (1) Any offense under the state vehicle code (625 ILCS) or this Code governing the movement of vehicles;
- (2) Any reportable offense under section 6-204 of the state vehicle code (625 ILCS 5/6-204);
- (3) Violations punishable by a penalty of incarceration;
- (4) Violations punishable by a fine in excess of \$50,000.00 per vehicle excluding allowable costs, provided, however, that the maximum fine amount of \$50,000.00 does not apply to enforce the collection of any tax imposed and collected by the village. (Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-302. Division administrator; powers and duties.**

The village administrator or his/her designee shall be the division administrator. The division administrator's responsibilities shall include:

- (1) Operating and managing the administrative hearing system;
- (2) Promulgating rules and regulations for the conduct of administrative hearing proceedings. (Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-303. Administrative hearing officer.**

(a) *Creation and qualifications.* The position of administrative hearing officer is hereby created. The administrative hearing officer shall be appointed by the mayor with the consent of the village board. The term of the administrative hearing officer shall be one-year. The number of administrative hearing officer positions and compensation shall be approved by the village board. The administrative hearing officer shall be an attorney admitted to the practice of law in the state with at least five years of active practice experience.

(b) *Powers.* The administrative hearing officer shall have all powers necessary to conduct fair and impartial hearings including, but not limited to, the power to:

- (1) Hold conferences for the settlement or simplification of the issues;
- (2) Administer oaths and affirmations;
- (3) Hear testimony;
- (4) Issue subpoenas;
- (5) Rule upon motions, objections, and the admissibility of evidence;
- (6) At the request of any party or on the administrative hearing officer's own motion, subpoena the attendance of relevant witnesses and the production of relevant books, records, or other information;
- (7) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- (8) Regulate the course of the hearing in accordance with this chapter, or other applicable law;
- (9) Issue a final order which includes findings of fact and conclusions of law;
- (10) Impose penalties and fines, not to exceed \$750.00 per violation per day, issue orders that are consistent with applicable code provisions and assess costs upon finding a party liable for the charged violation. In no event shall an administrative hearing officer have the authority to impose a penalty of imprisonment.

(Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-304. Instituting administrative proceedings.**

(a) *Issuance of complaint.* All sworn police personnel, all community service officers, all village inspectors and fire prevention officers are hereby authorized to institute an administrative hearing by issuing a complaint specifying the date, time and place of the violation, the ordinance or ordinances violated, and the identification and signature of the person issuing the complaint.

(b) *Service of non-vehicular complaints.* Respondents shall be served with a copy of the written sworn pleading or complaint in any manner reasonably calculated to give them actual notice of the proceeding instituted against them, including:

- (1) Personal service upon a party or its employees or agents;
- (2) Service by first class mail or certified mail return receipt requested, or;
- (3) Service by posting a copy of the sworn pleading or complaint upon the property when a structure is involved where the violation is found if service on the owner cannot be made by mail. Posting shall be on the front door of the structure not less than 20 days before the hearing is scheduled. However, notice by posting shall not be effective notice if the property at issue is a vacant lot or vacant building.

(Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-305. Administrative adjudication procedures.**

The system of administrative adjudication of compliance violations standing and parking ordinances, and other ordinance violations shall be in accordance with the following procedures, as well as the requirements of 625 ILCS 5/11-1-208.3 and 65 ILCS 511-2.2-10 [65 ILCS 5/1-2.2-10]. Where applicable:

- (1) *Contents of complaint.* The complaint shall contain the following information:
  - a. The date, time, and place of the alleged violation.
  - b. The date of issuance of the complaint.
  - c. The particular ordinance(s) violated.
- (2) *Record of complaint.* An original or facsimile of the complaint shall be retained by the division administrator and kept as a record in the ordinary course of business of the village.
- (3) *Prima facie evidence of correctness.* Any violations or notices issued, signed, and served in accordance herewith, or a copy of the notice, shall be prima facie correct

and shall be prima facie evidence of the correctness of the facts alleged in the complaint.

- (4) *Admissibility.* A copy of the complaint shall be admissible in any subsequent administrative or legal proceeding.
- (5) *Right to request administrative hearing.* A respondent to a complaint issued under this chapter shall have the opportunity for an administrative hearing to contest the merits of the alleged violation. The administrative hearing shall be on the date, and at the time and place set forth in the written notice of hearing as issued by the division administrator to the person requesting the hearing. Any request for an administrative hearing in accordance with this section shall be made as described in subsection (6), within 21 days of service of the complaint.
- (6) *Method for requesting administrative hearing.* A request for administrative hearing shall be made in person at the village police department building, by U.S. Mail, or other method authorized by the division administrator. A request that is submitted by U.S. Mail shall be deemed submitted on the date postmarked for the purpose of determining whether said request has been submitted within the time allowed herein.

(Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-306. Parking violations; adjudication by mail; parking violation defenses.**

(a) *Right to request a non-appearance administrative hearing.* A respondent to a parking violation complaint issued under this chapter shall have an opportunity to request a non-appearance hearing (adjudication by mail) by sending a signed statement, under oath (notarized), together with any supporting documentation, based on one or more of the defenses provided in this section, to the division administrator. Such statement shall set forth the reasons why a finding of liability shall not be entered. The division administrator shall then

forward all timely filed materials to the administrative hearing officer for review and determination and the division administrator shall issue and serve the findings of the administrative hearing officer pursuant to the provisions of this article. Any request for an administrative hearing in accordance with this section shall be made pursuant to section 2-305(6) within 21 days of service of the complaint.

(b) *Determination of liability.* Upon review of the materials submitted in accordance with this section, the hearing officer shall enter a determination of no liability or of liability and the amount of the fine. Upon issuance, such determination shall constitute a final determination for purposes of judicial review under the Administrative Law of Illinois.

(c) *Parking violation defenses.* A person charged with a parking violation may contest the charge with appropriate evidence through the adjudication by mail procedure or an administrative hearing, limited to one or more of the following grounds:

- (1) That the respondent was not the owner or lessee of the cited vehicle at the time of the violation;
- (2) That the cited vehicle or its state registration plates were stolen at the time the violation occurred;
- (3) That the facts alleged in the parking violation notice are inconsistent or do not support a finding that the specified ordinance was violated, and;
- (4) That the illegal condition described in the violation notice did not exist at the time the notice was issued.

(Ord. No. 2013-52, § I, 11-4-2013; Ord. No. 2015-42, § II, 5-18-2015)

**Editor's note**—Ord. No. 2015-42, § II, adopted May 18, 2015, amended § 2-306 to read as set out herein. Previously § 2-306 was titled "Subpoenas."

**Sec. 2-307. Representation at hearings/subpoenas.**

(a) *Village representation.* The case for the village may be presented by the village attorney or such other person designated by the village administrator or his designee.

(b) *Respondent representation.* The case for the respondent may be presented by the respondent or an agent or attorney of the respondent. An agent or attorney shall present a written authorization signed by the respondent giving the agent or attorney power to act and to bind the respondent to any orders entered by the administrative hearing officer.

(c) *Subpoena issuance.*

- (1) All subpoenas shall issue only upon application and approval by the administrative hearing officer after a determination by the administrative hearing officer as to whether the requested testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is relevant to the case and relates to a contested issue in the case.
- (2) *Content.* A subpoena issued under this chapter shall identify:
  - a. The person to whom it is directed;
  - b. The documents or other items sought by the subpoena, if any;
  - c. The date for the appearance of the witness and the production of the documents or other items described in the subpoena;
  - d. The time for the appearance of the witness and the production of the documents or other items described in the subpoena; and
  - e. The place for the appearance of the witness and the production of the documents or other items described in the subpoena.
- (3) *Appearance.* In no event shall the date identified for the appearance of a witness or the production of documents or other items be less than seven days after service of the subpoena.
- (4) *Contesting the Subpoena.* Within three business days of being served with a subpoena issued in accordance with this chapter, the recipient of the subpoena may contest the order authorizing the

issuance of the subpoena to the administrative hearing officer, setting forth in detail the recipient's objections to the subpoena. Upon receipt of the contest to the subpoena, the administrative hearing officer shall review the objections and, upon review, enter the appropriate order.

(Ord. No. 2013-52, § I, 11-4-2013; Ord. No. 2015-42, § II, 5-18-2015)

**Editor's note**—Ord. No. 2015-42, § II, adopted May 18, 2015, amended § 2-307 to read as set out herein. Previously § 2-307 was titled "Representation at hearings."

**Sec. 2-308. Conduct of hearings.**

The administrative hearing officer shall conduct the hearings in an orderly manner and insist upon proper decorum by all persons present at the hearings. The intent of the hearings is to provide the village and the respondent a full and fair presentation of the issues.

(Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-309. Testimony and evidence.**

(a) *Testimony.* Hearsay testimony may be admitted by the administrative hearing officer in making his/her determination. The administrative hearing officer shall determine the weight, if any, to be given to the testimony.

(b) *Evidence.* The technical rules of evidence shall not apply. relevant documents may be received into evidence without formal proof of authenticity. The administrative hearing officer shall determine the weight, if any, to be afforded documents received into evidence.

(c) *Recording of proceedings.* The village may, at its cost, record the proceedings. If a recording is made, a respondent may obtain a transcript at respondent's cost.

(d) *Continuances.* All administrative law hearings shall be conducted on the date set for hearing. For good cause shown, a continuance may be granted at the discretion of the division administrator and/or administrative hearing officer. The purpose of administrative hearings is to provide a prompt resolution of alleged code

violations, and accordingly, the request for and the grant of, continuances shall be granted only for good cause shown.  
(Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-310. Orders.**

The administrative hearing officer shall issue a written order specifying the ordinance violated, and the fine and other relief granted.

- (1) *Final orders.* The order of the administrative hearing officer becomes final 30 days following entry of the order, or 30 days from a denial of a timely-filed petition to set aside the hearing officer's decision, whichever occurs last.
- (2) *Petition to set aside determination.* A petition to set aside the order of the administrative hearing officer must be filed within 30 days of entry of the administrative hearing officer's order. The petition shall be filed in the division administrator's office. The division administrator shall set a briefing hearing date. The grounds for the petition are limited to the following: a) lack of proper service, b) the person not having been the owner or lessee of the property cited on the date the complaint was issued, c) the order is against the manifest weight of the evidence, or that new evidence unknown to and unavailable to a party on the date of the hearing will materially affect the order of the hearing officer, or d) excusable failure to appear at the hearing or request a new date for a hearing. In the event the determination is set aside upon a showing of just cause, the division administrator shall set a hearing on the merits for that violation at the earliest available date.
- (3) *Violations of orders.* Any person, having received notice and an opportunity for a hearing as provided in this chapter who knowingly fails to comply with an order issued by an administrative hearing officer under this chapter, including the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdic-

tion prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine not to exceed \$250.00. Each day that the violation continues shall be considered a separate and distinct offense. In a prosecution under this section, it shall not be a defense that a person came into compliance with an order, sought judicial review of it, or made efforts to comply with an order, subsequent to its effective date.

(Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-311. Schedules of fines and late penalties.**

(a) *General fines.* General fines for violations brought pursuant to this chapter and late penalties shall be established by ordinance but in no event shall the general fine exceed \$750.00 per violation per day, unless otherwise specifically set forth in this Code.

(b) *Alternative minimum fines for certain violations.* Alternative minimum fines and late penalties are hereby set for certain violations brought under this Chapter in the amounts set forth in the "Alternative Minimum Fines and Late Penalties Table" incorporated into this chapter as Table A, as follows:



<b>Alternative Minimum Fines and Late Penalties—Table A</b>			
<b>CODE SECTIONS</b>	<b>VIOLATION DESCRIPTION</b>	<b>ALTERNATIVE MINIMUM FINES</b>	<b>ALTERNATIVE MINIMUM FINES AND LATE PENALTIES, IF PAYMENT MORE THAN 35 DAYS AFTER ISSUANCE OF COMPLAINT OR DETERMINATION OF LIABILITY</b>
66-39	Advertising on Streets	\$25.00	\$50.00
14-5	Animal disturbing the quiet	\$25.00	\$50.00
14-4 (c) (d)	Animal waste not picked up by owner/custodian	\$25.00	\$50.00
78-1; 3-702	Cancelled, Suspended, Revoked Registration	\$100.00	\$200.00
46-212	Construction Hours	\$100.00	\$200.00
46-92	Criminal Damage to Property	\$100.00	\$200.00
46-93	Criminal Defacement of Property	\$100.00	\$200.00
46-95(a)(1)	Criminal Trespass to Real-Property	\$100.00	\$200.00
46-95(a)(4)	Criminal Trespass to Vehicle	\$100.00	\$200.00
14-3	Cruelty to animals	\$100.00	\$200.00
46-261	Curfew	\$100.00	\$200.00
66-40	Debris on Streets	\$100.00	\$200.00
46-31(a){1}	Disorderly Conduct	\$100.00	\$200.00
66-1	Drainage Obstruction	\$100.00	\$200.00
66-136 through 66-138	Driveway Maintenance	\$100.00	\$200.00
14-35 (a)	Dog at Large	\$25.00	\$50.00
78-71(a)	Driver and Passenger Safety Belts	\$35.00	\$70.00
78-1; 12-201(b)	Driving Without Headlights	\$100.00	\$200.00
78-1; 3-413(f)	Expired Registration (Moving Vehicle)	\$35.00	\$70.00
78-1; 11-1304.5	Expired Registration (Parked Vehicle)	\$35.00	\$70.00
78-1; 12-210	Failure to Dim Headlamps	\$35.00	\$70.00
46-31(a)(8)	False Call to 911	\$100.00	\$200.00
82-300 to 82-315	Fats, Oil and Grease Management	\$100.00	\$200.00
46-63	Fighting	\$100.00	\$200.00
34-31 through 34-33	Fire Prevention Code	\$100.00	\$200.00
34-123	Fireworks — Possession or Sale	\$100.00	\$200.00
46-94	Graffiti — Failure to Remove	\$25.00	\$50.00
6-8	Hotel Room For Illegal Activity	\$100.00	\$200.00

<b>Alternative Minimum Fines and Late Penalties—Table A</b>			
<b>CODE SECTIONS</b>	<b>VIOLATION DESCRIPTION</b>	<b>ALTERNATIVE MINIMUM FINES</b>	<b>ALTERNATIVE MINIMUM FINES AND LATE PENALTIES, IF PAYMENT MORE THAN 35 DAYS AFTER ISSUANCE OF COMPLAINT OR DETERMINATION OF LIABILITY</b>
71-30 to 71-48	Illicit Discharge to Storm Sewers	\$100.00	\$200.00
78-1; 12-211	Improper Lighting-One Headlamp	\$35.00	\$70.00
78-1; 3-703	Improper Use of Registration	\$100.00	\$200.00
82-69	Lawn Irrigation Restrictions	\$25.00	\$50.00
66-40	Littering	\$100.00	\$200.00
46-37(c)	Mini-bikes and ATV	\$100.00	\$200.00
46-211 (3)	Muffler Violations	\$35.00	\$70.00
78-1; 6-112	No Driver's License On Person	\$35.00	\$70.00
78-1; 3-413(a)	No Front License Plate	\$35.00	\$70.00
78-1; 12-201(b)	No Taillights or only one	\$35.00	\$70.00
46-211	Noise Complaints	\$100.00	\$200.00
46-151 through 46-165	Nuisance Violations	\$25.00	\$50.00
66-36	Obstructing Streets	\$35.00	\$70.00
78-102	Parking — Overnight	\$25.00	\$50.00
78-105(a)	Parking — After 2" Snowfall	\$25.00	\$50.00
78-105	Parking — Blocking the Alley	\$25.00	\$50.00
78-105(e)	Parking — During School Hours	\$25.00	\$50.00
78-105(b)	Parking — During Street Cleaning	\$25.00	\$50.00
78-1; 11-1301.3	Parking — Handicapped	\$250.00	\$500.00
78-1; 11-1301.3 (a-1)	Parking — Handicapped (Unlawful Use of Placard)	\$250.00	\$500.00
78-105(f, g, h)	Parking — Limited Time Zones	\$25.00	\$50.00
78-108	Parking — No Parking, Standing, Stopping, Unloading (Posted)	\$25.00	\$50.00
78-105(c)	Parking — Prohibited Specified Places	\$25.00	\$50.00
78-105(d)	Parking — Prohibited Specified Streets	\$25.00	\$50.00
18-71	Permit Required — Commercial	\$100.00	\$200.00
18-101	Permit Required — Residential	\$50.00	\$100.00

<b>Alternative Minimum Fines and Late Penalties—Table A</b>			
<b>CODE SECTIONS</b>	<b>VIOLATION DESCRIPTION</b>	<b>ALTERNATIVE MINIMUM FINES</b>	<b>ALTERNATIVE MINIMUM FINES AND LATE PENALTIES, IF PAYMENT MORE THAN 35 DAYS AFTER ISSUANCE OF COMPLAINT OR DETERMINATION OF LIABILITY</b>
66-63	Permit Required — Roadway Construction	\$100.00	\$200.00
66-86	Permit Required — ROW Excavation	\$100.00	\$200.00
66-132	Permit Required — Driveway	\$100.00	\$200.00
66-162	Permit Required — Parade	\$100.00	\$200.00
70-32	Permit Required — Utility Construction	\$100.00	\$200.00
82-1	Permit Required — Water Connection	\$100.00	\$200.00
82-171	Permit Required — Sanitary Sewer Connection	\$100.00	\$200.00
86-31	Permit Required — Public Tree Trimming/Removal	\$100.00	\$200.00
86-40 through 86-43	Phosphorous Fertilizer Ban	\$100.00	\$200.00
46-31 (11)	Possession of Cannabis 2.5 grams or less	\$100.00	\$200.00
720 ILCS 600/3.5 (a)	Possession of Drug Paraphernalia	\$100.00	\$200.00
18-201 through 18-387	Property Maintenance Violations	\$25.00	\$50.00
82-154	Sanitary Sewer — Illegal Discharge	\$100.00	\$200.00
90-40	Smoking in a Taxi	\$100.00	\$200.00
50-35(a)	Solicitor — Failure to Obey Notice	\$100.00	\$200.00
50-35(b)	Solicitor — Refusal to Leave	\$100.00	\$200.00
50-38	Solicitor — Soliciting on Streets	\$100.00	\$200.00
50-56	Solicitor — Soliciting without a Permit	\$100.00	\$200.00
50-37	Solicitor — Violation of Time Limits	\$100.00	\$200.00
78-101	Stopping, standing, parking in a loading zone	\$25.00	\$50.00
66-2	Stormwater Discharge onto Sidewalk	\$100.00	\$200.00
66-35 through 66-41	Street Encroachment/Obstruction	\$35.00	\$70.00
86-33	Street Obstruction — Vegetation	\$25.00	\$50.00
70-398(d)	Sump Pump Connection	\$100.00	\$200.00
82-183	Surface Water Drainage	\$100.00	\$200.00
90-66(a)	Taxi — No License (Owner)	\$100.00	\$200.00



<b>Alternative Minimum Fines and Late Penalties—Table A</b>			
<b>CODE SECTIONS</b>	<b>VIOLATION DESCRIPTION</b>	<b>ALTERNATIVE MINIMUM FINES</b>	<b>ALTERNATIVE MINIMUM FINES AND LATE PENALTIES, IF PAYMENT MORE THAN 35 DAYS AFTER ISSUANCE OF COMPLAINT OR DETERMINATION OF LIABILITY</b>
90-66(b)	Taxi — Soliciting without a license (Driver)	\$100.00	\$200.00
46-91 (a)(1)	Theft — Labor or Services	\$100.00	\$200.00
46-91 (a)(1)	Theft — Lost Property	\$100.00	\$200.00
46-91 (a)(1)	Theft — Motor Vehicle Parts or Accessories	\$100.00	\$200.00
46-91 (a)(1)	Theft — Retail \$150 and Under	\$100.00	\$200.00
46-91 (a)(1)	Theft — \$150 and Under	\$100.00	\$200.00
46-174(c)	Tobacco — Sale to Minor	\$100.00	\$200.00
46-174(e)(2 )	Tobacco — Possession by Minors	\$100.00	\$200.00
46-174(e)(1)	Tobacco — Purchase by Minors	\$100.00	\$200.00
45-1 through 45-12	Trees and Woodlands Protection	\$100.00	\$200.00
46-241	Truancy	\$100.00	\$200.00
78-104	Unlawfully parked in a cab/bus stand	\$25.00	\$50.00
78-72(a)	Unlicensed Motorized Vehicle	\$35.00	\$70.00
62-4	Waste Receptacles — Residential	\$25.00	\$50.00
82-62	Water Hydrants — Illegal Use	\$100.00	\$200.00
82-61	Water System Obstruction	\$25.00	\$50.00
71-1 to 71-3	Watershed Development Ordinance	\$100.00	\$200.00
Ord. 1980-29, as amended; Section 13.13	Zoning Ordinance Standards including Planned Unit Development Agreement/Annexation Agreement Standards	\$100.00	\$200.00

(c) *Payment due date.* All fines and/or costs imposed under this chapter shall be due and owing to the village within 35 days after the date of the complaint or entry of a determination of liability.

(d) *Late payment definition.* Any payment required to be made to the village pursuant to this chapter shall be considered past due unless it is (1) physically received by the village on or before the due date, or (2) received in an envelope or other container displaying a valid, readable

U.S. Postmark dated on or before the due date, properly addressed to the village with adequate postage pre-paid.

(e) *Late payment penalties.* For any fine, other sanction, or cost imposed, or any part of any fine, other sanction, or costs imposed, remaining unpaid after 35 days from the payment due date or entry of a determination of liability shall be subject to and assessed a late fee of 100 percent. (Ord. No. 2013-52, § I, 11-4-2013; Ord. No. 2014-29, § 1, 6-2-2014; Ord. No. 2016-44, § I, 6-20-2016)

**Sec. 2-312. Procedures for alternative minimum fine resolution.**

All complaints issued under this chapter which provide for the payment of an alternative minimum fine amount may be resolved by payment of the alternative minimum fine to the village police department within 35 days after issuance of the complaint. All payments of an alternative minimum fine shall constitute a stipulation of liability to the stated violation. (Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-313. Administrative hearing program procedures not exclusive.**

Notwithstanding any other provisions of this chapter, the authority of the administrative hearing division to conduct administrative hearings in accordance with this chapter shall not preclude the village from seeking any remedies for code or ordinance violations through the use of any other administrative procedure or court proceeding.

- (1) Nothing in this section shall affect the jurisdiction of the liquor control commissioner, the planning and zoning board, the zoning board of appeals, firefighters pension fund, police pension fund, the civil service commission, or any other commission or board established by this Code.

(Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-314. Enforcement of orders.**

(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 state administrative review law are a debt due and owing the municipality and may be collected in accordance with applicable law.

(b) After expiration of the period in which judicial review under the state administrative review law may be sought for a final determination of a code violation, unless stayed by a court of competent jurisdiction, the findings, decision,

and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(c) In any case in which a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by a municipality to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or a hearing officer, shall be a debt due and owing the municipality and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection, the municipality shall provide notice to the defendant that states that the defendant shall appear at a hearing before the administrative hearing officer to determine whether the defendant has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than seven days from the date that notice is served. If notice is served by mail, the seven-day period shall begin to run on the date that the notice was deposited in the mail.

(d) Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed on the real estate or personal estate, or both, of the defendant in the amount of any debt due and owing the municipality under this section. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(e) If the respondent fails to pay any debt due and owing the village as described in this chapter, the village may take the following actions in addition to any debt collection authorized by law:

- (1) Decline to issue, renew, or provide any license, permit, zoning variance, or permission applied for or requested by respondent under any code or ordinance of the village until the respondent pays such debt.

(Ord. No. 2013-52, § I, 11-4-2013)

**Sec. 2-315. Appeal.**

Any party to an administrative hearing may appeal the order of the administrative hearing officer to the circuit court of the county within 35 days of the entry of the order.  
(Ord. No. 2013-52, § I, 11-4-2013)

**ARTICLE IV. DEPARTMENTS\***

## DIVISION 1. GENERALLY

**Secs. 2-316—2-325. Reserved.**

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\***Cross references**—Fire department, § 34-61 et seq.;  
police department, § 42-31 et seq.



DIVISION 2. PUBLIC WORKS

**Sec. 2-326. Created.**

There is hereby created a public works department of the village which shall consist of a director of public works and such other members as the board of trustees may from time to time prescribe.

(Code 1977, § 3.07(a))

**Sec. 2-327. Director of public works.**

The director of public works shall be appointed by the village president by and with the consent of the board of trustees. The director of public works shall be in charge of the public works department and all members thereof shall be subject to his orders. This is an administrative position of employment in the village with the following duties:

- (1) The director of public works shall be in charge of the construction and care of all public rights-of-way, public streets, alleys, and driveways in the village, and keeping the same clean.
- (2) The director of public works shall see to it that all gutters, ditches, culverts, and drains therein function properly and that such gutters, ditches, culverts, and drains are kept free from defects.
- (3) The director of public works shall supervise the lighting of the public streets and alleys, and shall keep the lighting system in efficient operation and good repair.
- (4) The director of public works shall have charge of the construction, operation and maintenance of the municipal water pumping, storage and distribution system.
- (5) The director of public works shall have charge of the construction, operation and maintenance of the municipal wastewater pumping facilities and of all public sewers in the village.
- (6) The director of public works shall be responsible for all officers or employees assigned to the public works department,

who shall perform their duties subject to the orders and under the supervision of the director of public works.

- (7) The director of public works shall be the custodian of all property of the village which is not assigned to the care or custody of any other officer.
- (8) The director of public works shall perform such other duties as may be prescribed by the president and board of trustees and the village administrator.

(Code 1977, § 3.07(b))

**Sec. 2-328. Divisions.**

(a) The public works department shall be divided into four divisions known as:

- (1) Administration.
- (2) Streets.
- (3) Utilities.
- (4) Forestry.

(b) The streets division shall include streets, drainage, vehicle maintenance and public building and grounds maintenance.

(Code 1977, § 3.07(c))

**Sec. 2-329. Rules regarding driver's licensing drug and alcohol policy adopted.**

That the village president and the board of trustees hereby adopt the village public works department commercial drivers license drug-alcohol policy in its entirety, and the terms and provisions of which are hereby made a part hereof as though fully set forth in this section.

(Ord. No. 99-96, § 1, 8-2-1999)

**Secs. 2-330—2-350. Reserved.**

**ARTICLE V. BOARDS AND COMMISSIONS\***

DIVISION 1. GENERALLY

**Secs. 2-351—2-365. Reserved.**

\*Cross reference—Plan commission, § 54-31 et seq.

§ 2-366

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DIVISION 2. CIVIL SERVICE COMMISSION

**Sec. 2-366. Established.**

There is hereby established a civil service commission, composed of three members, to be appointed as provided by law, who shall constitute and be known as the civil service commissioners of the village.

(Code 1977, § 3.13(a))

**Sec. 2-367. Membership.**

The original appointments of the civil service commission shall be as follows: One commissioner for three years, one commissioner for two years, and one commissioner for one year from the time of appointment and until their respective successors are appointed and qualified. Thereafter, one member of the commission shall be appointed each year. The terms of the members of the civil service commission shall be three years. In the case of a vacancy in the membership of the civil service commission, the successor shall be appointed as provided by law.

(Code 1977, § 3.13(b))

**Sec. 2-368. Quorum; officers; powers and duties.**

A majority of the members of the civil service commission shall constitute a quorum for the transaction of business. The civil service commission shall elect the necessary officers and make the rules to carry out the purposes of the statutes and for appointments and removals in accordance with its provisions, and shall have and exercise all the powers and perform all the duties and obligations confirmed or imposed on the civil service commission by statute.

(Code 1977, § 3.13(c))

**Secs. 2-369—2-385. Reserved.**

DIVISION 3. BOARD OF LOCAL IMPROVEMENTS

**Sec. 2-386. Appointments.**

There is hereby established the board of local improvements for the village, which shall consist

of the village president and all the members of the board of trustees. The village clerk shall serve as the secretary to the board of local improvements. (Code 1977, § 3.14(a))

**Sec. 2-387. General duties.**

The board of local improvements shall have the powers and perform the duties assigned to it by statute or ordinance.

(Code 1977, § 3.14(b))

**Secs. 2-388—2-440. Reserved.**

ARTICLE VI. FINANCES\*

DIVISION 1. GENERALLY

**Sec. 2-441. Fiscal year.**

The fiscal year of the village shall commence on May 1 of each year and end on April 30 of the succeeding year.

(Code 1977, § 1.09)

**Secs. 2-442—2-460. Reserved.**

DIVISION 2. PUBLIC BENEFIT FUND

**Sec. 2-461. Created.**

There is hereby created a separate fund known as the public benefit fund, and that funds for such purpose may be levied in accordance with 65 ILCS 5/9-2-39 and such other provisions relating thereto.

(Code 1977, § 3.18)

**Secs. 2-462—2-480. Reserved.**

\***Cross references**—Any ordinance or resolution promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness, or any contract or obligation assumed by the village saved from repeal, § 1-19(a)(2); taxation, ch. 74.



DIVISION 3. MUNICIPAL PURCHASING

**Sec. 2-481. Competitive bids to be obtained.**

Any labor, lease, goods or services to be purchased, sale of personal property, equipment or supplies, or public improvement which is not paid for in whole or in part by a special assessment or special taxation when the expenses or costs thereof will exceed \$20,000.00 shall be constructed or purchased either:

- (1) By a contract let to the lowest responsible bidder after advertising for bids, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all the trustees elected; or
- (2) In the manner following, if authorized by a vote of two-thirds of all the trustees elected, to-wit: the proper officers or departmental head shall make such purchase or shall superintend and cause such work or construction to be carried out, but all material of the value of \$20,000.00 and upward used in any construction work or public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed in this division. Nothing contained in this division shall apply to any contract with the federal government or any agency thereof. Any work or improvements requiring bidding under 65 ILCS 5/8-9-1 shall be let only in accordance with such statute.

(Code 1977, § 4.01; Ord. No. 2005-110, § I, 12-19-2005)

**Sec. 2-482. Exceptions to competitive bid requirements.**

Contracts which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, auditing contracts for utility services such as water, heat, light, telephone or purchasing of educational matter shall not be subject to competitive bidding.

(Code 1977, § 4.02)

**Sec. 2-483. Procedure in contracts over \$20,000.00.**

(a) *Publication.* All proposals to award purchase orders or contracts in excess of \$20,000.00 shall be published once at least ten days in advance of the date announced for the receiving of bids, in a newspaper of general circulation throughout the village by the village administrator. Nothing shall be construed to prohibit the village administrator from posting additional notices or advertising in addition thereto in trade magazines, if so directed by the board of trustees. If provisions of section 2-482 are invoked, publication is not required.

(b) *Advertisements for bids.* Advertisements for bids shall describe the character of the proposed contract, purchase or improvement in sufficient detail to enable the bidders thereon to know what their obligation will be, either in the advertisement itself, or by reference, to detailed plans and specifications on file in the office of the village administrator at the time of publication of the announcement. The advertisement shall also state the date, time, and place assigned for the opening of bids, and no bids will be accepted at any time subsequent to the time indicated in the announcement.

(c) *Deposit on bids.* Cash, a cashier's check, or a certified check as a deposit of good faith, in a reasonable amount but not in excess of ten percent of the contract or purchase amount, may be required of each bidder on all sums in excess of \$20,000.00 if specified in the bid announcement.

(d) *Opening of sealed bids.* All sealed bids shall be publicly opened by the board of trustees or its authorized representative.

(e) *Bid award.* The award of any purchase or contract in excess of \$20,000.00 shall be made by the board of trustees to the lowest or highest responsible bidder, depending on whether the village is to receive or expend money.  
(Code 1977, § 4.03; Ord. No. 2005-110, § I, 12-19-2005)

**Sec. 2-484. Emergency contracts.**

In the event of an emergency affecting the public health, welfare or safety, a contract may be

let or a purchase made, to the extent necessary to resolve such emergency without public advertisement. The village administrator or department head shall file his authority for such expenditure in writing with the board of trustees and shall provide the date or time when the emergency shall terminate and shall name the person authorized to make such expenditure or contract and the amount or amounts to be expended. The board of trustees shall, at their next regular meeting, confirm whether an emergency actually existed. If an emergency existed, necessary emergency expenditures shall be confirmed by two-thirds vote of all trustees present.

(Code 1977, § 4.04)

**Sec. 2-485. Contracts or purchases not exceeding specified sums.**

The board of trustees may make contracts for personal services without the procurement of bids as set forth in this division. The board of trustees may make purchases or award contracts not in excess of \$20,000.00 to the highest or lowest bidder, depending on whether the village is expending or receiving money, without the procurement of bids as set forth in this division. The village administrator may make purchases totaling \$20,000.00 or less, and each department head may make purchases totaling \$1,000.00 or less, from the lowest bidder, without authorization by the board of trustees or procurement of bids as set forth in this chapter. The sums authorized in this division to be expended shall constitute the total payment for such contract or purchase and shall not be expended as an installment or partial payment on a larger amount nor shall it be expended in such a manner to circumvent directly or indirectly the other provisions of this chapter providing for authorization or bidding when a larger sum is to be expended.

(Code 1977, § 4.05; Ord. No. 2005-110, § I, 12-19-2005)

**Sec. 2-486. Contracts exempt from purchasing regulations.**

The provisions of this division shall not apply to local improvement contracts, special assessments or to purchases or contracts otherwise specifically provided for by the state statute.

(Code 1977, § 4.06)

**Sec. 2-487. Invalid purchase contracts.**

Any purchase or contract executed in violation of this division shall be null and void as to the village and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the village.

(Code 1977, § 4.07)



Chapters 3—5

**RESERVED**



## Chapter 6

### ALCOHOLIC BEVERAGES\*

#### Article I. In General

- Sec. 6-1. Definitions.
- Sec. 6-2. Premises.
- Sec. 6-3. Consumption on premises.
- Sec. 6-4. Peddling.
- Sec. 6-5. Sanitary regulations.
- Sec. 6-6. Closing hours.
- Sec. 6-7. Sales to minors and intoxicated persons prohibited; additional regulations relative to minors.
- Sec. 6-8. Rental of hotel/motel rooms for the purpose of illegal activity.
- Sec. 6-9. Unobstructed view required.
- Sec. 6-10. Conduct forbidden.
- Sec. 6-11. Dram shop insurance.
- Sec. 6-12. Identification check.
- Sec. 6-13. Duty to provide assistance to police department.
- Sec. 6-14. Conduct of patrons.
- Sec. 6-15. Construction of chapter.
- Sec. 6-16. Complaints of chapter violations, issuance of search warrant, etc.
- Sec. 6-17. Location restriction.
- Sec. 6-18. Changes in interest, partnerships, and corporations.
- Sec. 6-19. Nuisance declared.
- Sec. 6-20. Happy hours prohibited.
- Sec. 6-21. Entrance fee entertainment events on licensed premises.
- Sec. 6-22. Conduct of employees and agents; supervisor on premises.
- Sec. 6-23. Management.
- Sec. 6-24. Reserved.
- Sec. 6-25. Sealing and removal of open wine bottles.
- Secs. 6-26—6-30. Reserved.
- Sec. 6-31. Enforcement.
- Sec. 6-32. Hearings at state commission.
- Sec. 6-33. Violations; penalty.
- Sec. 6-34. Emergency closing.
- Sec. 6-35. Severability.
- Secs. 6-36—6-50. Reserved.

#### Article II. Licenses

- Sec. 6-51. Required.
- Sec. 6-52. Application.
- Sec. 6-53. Persons not entitled to license.
- Sec. 6-54. License term, license fees.
- Sec. 6-55. License classification.
- Sec. 6-56. Number of licenses.
- Sec. 6-57. Display of license.
- Sec. 6-58. Disposition of fees.
- Sec. 6-59. Records.
- Sec. 6-60. Transfer of license.
- Sec. 6-61. Change of location.
- Sec. 6-62. Renewal of license.
- Sec. 6-63. Weapons control.
- Sec. 6-64. Violation of tax acts, refusal, revocation, or suspension of license.
- Sec. 6-65. Revocation.

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\***Cross references**—Businesses, ch. 22; alcoholic beverages, possession and consumption, § 46-36.

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- Sec. 6-66. Parental responsibility.
- Sec. 6-67. Employees.
- Sec. 6-68. Requirements for Class 4 licenses.

## ARTICLE I. IN GENERAL

### Sec. 6-1. Definitions.

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

*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.

*Alcoholic liquor.* 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. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, or to any liquid or solid containing one-half of one percent, or less, of alcohol by volume.

*Beer.* 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.

*Convenience store.* Any public place kept, used, maintained, advertised and held out to the public as a place at which the primary purpose is to provide the public with a convenient location to quickly purchase consumables including; gasoline, limited groceries, pharmaceutical items and/or other sundries for sale.

*Conveyance.* Any vehicle, trailer, watercraft or container operated for the transportation of persons or property.

*Event or gathering.* Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

*Golf course.* Any business which owns a parcel of land not less than ten acres in size whose primary purpose is the use and maintenance of a nine-hole or 18-hole golf course, whether private or open to the public.

*Golf course premises.* Any restaurants, snack shops, tennis courts, swimming pools, sun decks, golf courses, golf carts, athletic facilities and all adjoining exterior areas and accessory buildings utilized in conjunction with the licensee's principal establishment as a golf course, whether private or open to the public.

*Host.* To aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

*Illicit drugs.* Any drug, substance or compound prohibited by law, 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.

*Manager.* Any person under the direct employ of a licensee charged with the maintenance and operation of the licensed premises.

*Licensee.* Any person, corporation, or conglomerate holding a license under the provision of this chapter or state statute.

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

*Outdoor service area.* An approved and licensed outdoor area immediately contiguous with the existing structure where alcoholic beverages are sold and consumed.

*Parent.* Any person having legal custody of a juvenile:

1. As a natural, adoptive parent, or step-parent;
2. As a legal guardian; or

- 3. 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.

*Reasonable steps.* Controlling access to alcoholic beverages at the event or gathering; controlling the quantity of alcoholic beverages present at the event or gathering; verifying the age of persons attending the event or gathering by inspecting driver's licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the event or gathering; and supervising the activities of minors at the event or gathering, calling for police assistance in the event people under 21 are in possession of alcohol at the event or gathering or advising law enforcement in advance of departing one's residence that the owner will be away and no underage person is authorized to be present and consume alcohol at the owner's residence.

*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 with the exception of golf courses and resorts as defined herein.

*Resort hotel.* A full-service hotel with at least the following characteristics:

- (a) Three hundred rooms;
- (b) Four thousand gross square feet of spa and fitness facilities;
- (c) One full-service restaurant; and

- (d) An accessory recreational or entertainment amenity such as, but not limited to, a water park, theater, or golf course.

*Resort hotel premises:*

- (a) All areas within the interior of a resort hotel (including but not limited to restaurants, recreational and entertainment amenities, conference and/or banquet centers, rooms and facilities which are ancillary to conference and banquet centers, resort hotel rooms, lounges, spa and/or fitness facilities and retail facilities) and shall authorize the placement of small, locked, refrigerated units containing alcoholic beverages (commonly referred to as "mini-bars") in the guest rooms. Keys or other approved access for said mini-bars may be provided only to hotel guests who are at least 21 years of age; and
- (b) Outdoor areas of a resort hotel for recreation, dining or conference and/or banquet purposes (including, but not limited to, outdoor pools, outdoor dining areas and outdoor seating areas for banquet or conference facilities).

*Retail sale.* The sale of a product for use or consumption and not for resale in any form.

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

*Underage person.* Any individual under 21 years of age.

*Wine.* Any alcoholic beverage obtained by the fermentation of the natural content of fruits or vegetables containing sugar including such beverages when fortified by the addition of alcohol or spirits, as above defined.

(Code 1977, § 33.01; Ord. No. 95-65, 8-7-1995; Ord. No. 2007-87, § I, 11-5-2007; Ord. No. 2009-17, § I, 3-16-2009; Ord. No. 2010-77, § I, 8-16-2010)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 6-2. Premises.**

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

(Code 1977, § 33.09; Ord. No. 95-65, 8-7-1995)

**Sec. 6-3. Consumption on premises.**

It shall be unlawful for anyone not having a Class 1, 2, 3, 5, 6, 7, 8, 9, and 10 license, to sell or offer for sale any alcoholic liquor for consumption on the premises where sold, or to permit the alcoholic liquor to be consumed on the premises where sold.

(Code 1977, § 33.11; Ord. No. 95-65, 8-7-1995)

**Sec. 6-4. Peddling.**

It shall be unlawful to peddle alcoholic liquor in the village.

(Code 1977, § 33.16; Ord. No. 95-65, 8-7-1995)

**Cross reference**—Peddlers and solicitors, ch. 50.

**Sec. 6-5. Sanitary regulations.**

All managers must be trained in sanitary regulations, and be certified. No premises shall be licensed for the sale of alcoholic liquor at retail, nor shall any licensee sell alcoholic liquor at retail, unless the premises conforms to the standards and regulations set forth by the county board of health governing retail liquor establishments.

(Code 1977, § 33.17; Ord. No. 95-65, 8-7-1995)

**Sec. 6-6. Closing hours.**

(a) It shall be unlawful to sell any alcoholic liquor at retail in the village between the hours of 1:00 a.m. and 6:00 a.m. of any day except Saturdays and Sunday, or between the hours of 2:00 a.m. and 6:00 a.m. on Saturdays, Sunday, and January 1 on any premises for which a license has been issued for the sale of alcoholic liquor.

(b) No Class "4" licensee shall sell or permit to be sold or give away any alcoholic liquor between the hours of 12:00 midnight and 8:00 a.m. In the case of Class 2 licenses, this section shall only apply to the retail sale of alcoholic liquor in the original package not for consumption on the premises.

(c) No Class "12" licensee shall sell or permit to be sold or give away any alcoholic liquor between the hours of 8:00 p.m. and 7:00 a.m.

(d) Reserved.

(Code 1977, § 33.18; Ord. No. 95-65, 8-7-1995; Ord. No. 2010-77, § I, 8-16-2010; Ord. No. 2015-27, § I, 4-6-2015)

**Sec. 6-7. Sales to minors and intoxicated persons prohibited; additional regulations relative to minors.**

(a) No licensee under this chapter 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. 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 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.

(c) If a licensee or any of his officers, associates, members, representatives, agents or employees believe or have reason to believe, the sale or delivery of any alcoholic liquor is prohibited because of the age of their prospective recipient, he shall, before making such sale, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in performance of his official duties.

(d) 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 any 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 is prohibited.

(e) The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony is not prohibited by this section.

(f) No person under the age of 21 years for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, shall misrepresent that he is 21 years of age or older.

(g) It shall be unlawful for any person to permit, allow, host or fail to take reasonable steps to prevent 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 or alcoholic beverages have been consumed by an underage person, if such person either knows or reasonably should know that an underage person has consumed any illicit drugs or alcoholic beverages.

- (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 person has consumed illicit drugs or alcoholic beverages if the person has not taken all reasonable steps to prevent the consumption of illicit drugs or alcoholic beverages by underage persons.
- (2) A person who permits, allows or hosts an event or gathering shall be rebuttably presumed to have known or should have known that underage persons have consumed illicit drugs or alcoholic beverages if such person is present at the premises of the event or gathering at the time any underage person consumes illicit drugs or an alcoholic beverage.
- (3) This section shall not apply to conduct involving the use of alcoholic beverages that occurs at a religious ceremony or exclusively between an underage person and his or her parent or legal guardian, as permitted by Illinois State Law.

- (4) It is the duty of any person who permits, allows or hosts 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 underage persons will be present, to take all reasonable steps to prevent the consumption of illicit drugs or alcoholic beverages by any underage person at the event or gathering.
- (5) A person who hosts an event or gathering does not have to be present at the event or gathering to be liable under this ordinance.
- (6) A person who hosts an event or gathering shall not be in violation of this section if that person has requested assistance from the police department or other law enforcement agency to remove any person who refuses to abide by the host's performance of the duties imposed by this section or terminates the event or gathering because the host has been unable to prevent underage persons from consuming illicit drugs or alcoholic beverages despite having taken all reasonable steps to do so, provided such action is taken before any other person makes a complaint about the event or gathering.

(h) In any place in the village where alcoholic liquor is sold there shall be displayed at all times in a prominent place a printed card that shall read substantially as follows:

**WARNING TO PERSONS UNDER 21 YOU ARE SUBJECT TO A FINE OF UP TO \$750.00 UNDER THE ORDINANCES OF THE VILLAGE OF GURNEE IF YOU PURCHASE ALCOHOLIC LIQUOR, OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.**

(i) No person under the age of 21 years shall be employed, permitted, or suffered to tend bar, or draw, pour, mix, or sell in the original container, any alcoholic liquor as an employee of a liquor licensee. This section does not apply to posses-



sion by a person under the age of 21 years making a delivery of alcoholic liquor in pursuance of his employment.



(j) No person under the age of 18 years shall be employed, permitted, or suffered to serve alcoholic beverages as an employee of a liquor licensee. Persons at least 18 years of age, and not yet 21 years of age, may be employed by a liquor licensee to serve alcoholic beverages in restaurants, or that portion of the premises which is primarily used for the purpose of serving food, so long as an adult 21 years of age or over, is on the premises acting in a supervisory position. Persons not yet 21 years of age shall not be permitted to serve alcoholic beverages to persons in an area of the premises not primarily devoted to the serving of food.

(k) It shall be unlawful for any licensee to sell or serve any alcoholic beverage for consumption in a restaurant, bar, or cocktail lounge on the licensed premises, unless the managers of liquor sales have completed a state certified alcohol awareness program, such as the BASSETT program. All managers must be certified within 60 days of employment. The BASSETT program is available locally.

(l) In any 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 read substantially as follows: Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.

**State law reference**—Similar provisions, 235 ILCS 5/6-24a.

(m) Any person violating subsections (a), (b), (d), (f), (h)—(l), and this subsection (m) shall be fined an amount as set forth in section 32-32 for each offense. Each day any violation continues constitutes a separate offense.

(n) In addition to all other fines and penalties, the local liquor control commissioner may revoke any license issued hereunder for any violation of this section.

(o) It shall be unlawful for the licensee, or any parent or guardian to permit any child under the age of 21 years of which he is the licensee, or parent or guardian, to violate any provision of this section.

(p) No person under the age of 21 years shall be allowed to sit at the bar in any area where alcoholic liquor is served.

(Code 1977, § 33.19; Ord. No. 95-65, 8-7-1995; Ord. No. 2009-17, § I, 3-16-2009; Ord. No. 2013-40, § III, 8-19-2013)

#### **Sec. 6-8. Rental of hotel/motel rooms for the purpose of illegal activity.**

It shall be unlawful for any adult to rent any motel or hotel room for the purpose of minors engaging in any illegal activity, to include the possession or consumption of alcoholic liquor by a minor.

(Code 1977, § 33.20; Ord. No. 95-65, 8-7-1995)

#### **Sec. 6-9. Unobstructed view required.**

In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel, resort, club or golf course except where the restaurant, hotel, resort, club or golf course is otherwise able to comply with this section without changing the physical structure of their premises), no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises, or inside the premises, which shall prevent a clear view into the interior of such licensed premises from the street, public-access area of the building, road or sidewalk at all times except in special cases as approved by the liquor commissioner; and no booth, screen, partition or other obstruction, nor any arrangement of lights, or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such premises from the street, public-access area of the building, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior thereof from the street, public-access area of the building, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In order to enforce the provisions of this section, the liquor commissioner shall have the right to require the filing with him/her of plans, drawings

and photographs showing the clearance of the view as required in this section. In case the view into any such licensed premises required by this section shall be willfully obscured or willfully permitted to be obscured or in any manner obstructed by the licensee, then such license shall be subject to revocation of his license in the manner provided in this chapter. In order to enforce the provisions of this section, the village president shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as required in this section. (Code 1977, § 33.21; Ord. No. 95-65, 8-7-1995; Ord. No. 2010-77, § 1, 8-16-2010)

**Sec. 6-10. Conduct forbidden.**

The following kinds of conduct on the premises licensed to sell alcoholic liquor in the village are prohibited:

- (1) The performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
- (2) The actual or simulated exhibition, touching, caressing or fondling of the breast, buttocks, pubic hair, anus, vagina, or genitals;
- (3) The actual or simulated displaying of the breast, buttocks, pubic hair, anus, vagina or genitals;
- (4) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breast, buttocks, genitals, vagina, or anus;
- (5) The displaying of films or pictures depicting acts, or a live performance of acts which are prohibited by the regulations quoted in this section.
- (6) The solicitation of any patron or customer thereof to purchase alcoholic or nonalcoholic liquor for such person or other person therein; whether or not such person is an employee or entertainer, solicit any patron or customer therein to purchase alcoholic or nonalcoholic liquor for himself or other person therein. Nothing in

this section contained shall prohibit any adult manager, bartender, or server who shall be regularly employed therein from accepting and serving the order of a patron or customer in the regular course of employment as such manager, bartender, or server. Nothing in this section shall prohibit wine tasting promotions.

- (7) It shall be unlawful to permit any illegal gambling on the premises licensed to sell alcoholic liquor.
- (8) It shall be unlawful for any licensee, its manager, or other person in charge of the premises licensed to allow, permit, or maintain the licensed premises in such a way that controlled substances of any kind, including but not limited to cocaine, marijuana, heroin, or other illegal drugs or chemicals are present on the premises at any time.
- (9) It shall be unlawful for any licensee, its manager, or other persons in charge of the premises licensed, to provide any entertainment intended primarily for persons under the age of 21, during any time when alcoholic liquor is sold on the premises. Prior to conducting such entertainment, the licensee shall secure approval for conducting such entertainment from the liquor commissioner. The licensee shall submit a floor plan of the premises or portion thereof to be so used and a schedule of such entertainment. The liquor commissioner may grant such approval if he finds that satisfactory precautions have or will be taken by the licensee to ensure no alcoholic liquor will be sold, served or given to minors.

(Code 1977, § 33.22; Ord. No. 95-65, 8-7-1995; Ord. No. 99-25, § 1, 2-15-1999)

**Sec. 6-11. Dram shop insurance.**

Any person owning, renting, leasing as lessor or as lessee, or permitting the occupation of any building or premises with knowledge that alcoholic liquors are to be sold therein, or who leases the building or premises for other purposes and

who knowingly permits therein the sale of any alcoholic liquors, shall be required to carry dram



shop insurance for such facility in maximum insurance coverage limits as set forth in 235 ILCS 5/6-21, as amended from time to time, so as to save harmless the premises in the interest of any person.

(Code 1977, § 2; Ord. No. 95-65, 8-7-1995)

**Sec. 6-12. Identification check.**

It shall be the duty of every licensee, bartender, waiter, waitress or any other employee serving alcoholic liquor to determine whether or not a person is prohibited by reason of age by any law or ordinance for:

- (1) Possession or purchasing or otherwise obtaining, receiving or consuming alcoholic liquor; or
- (2) Sitting at a bar in any licensed premises or loitering therein.

The age may be ascertained from the drivers license, state identification card, military identification card, or other photo identification card issued by federal, state or local government agency. (Code 1977, § 33.24; Ord. No. 95-65, 8-7-1995)

**Sec. 6-13. Duty to provide assistance to police department.**

It shall be the duty of every person and premises licensed under this chapter, when called upon by the chief of police or by any other member of the police department, to assist him in the execution of his police duties in the premises or public ways adjacent thereto.

(Code 1977, § 33.25; Ord. No. 95-65, 8-7-1995)

**Sec. 6-14. Conduct of patrons.**

It shall be the duty of every person in a premises licensed under this chapter to refrain from loud and boisterous noises and from the use of language which is obscene as defined under 720 ILCS 5/11-20(b). Anyone who violates this duty shall not be permitted to remain in the premises and shall promptly leave when requested. Anyone who violates the provisions of this section shall be deemed guilty of disorderly conduct.

(Code 1977, § 33.26; Ord. No. 95-65, 8-7-1995)

**Sec. 6-15. Construction of chapter.**

Nothing in this chapter shall be construed or applied to necessarily require or excuse noncompliance with any provision of the laws of the state or to the laws of the United States. This chapter and the penalties proscribed for a violation of this chapter, shall not supersede, but supplement all statutes of the state or of the United States in which similar conduct may be prohibited or regulated.

(Code 1977, § 33.27(G); Ord. No. 95-65, 8-7-1995)

**Sec. 6-16. Complaints of chapter violations, issuance of search warrant, etc.**

Whenever a complaint is made in writing, verified by affidavit, to any judge of any court having cognizance of criminal offenses, that the complainant has just and reasonable grounds to believe and does believe that alcoholic liquor is possessed, kept for sale, used or kept with the intent of using such alcoholic liquor in violation of this chapter, or that any mash, still or other property designed for the making, production or creation of alcoholic liquor is possessed on premises which are not licensed therefor, the judge may issue a search warrant, which complaint in relief and method of procedure in relation thereto shall be that provided in the Liquor Control Act of 1934, 235 ILCS 5/10-8 through 5/10-10. The offender, if found guilty, shall be subjected to the penalties of such act and to punishment as provided in the Liquor Control Act. No search warrant shall be necessary for the inspection of any premises licensed under this chapter, and the property seized on any such warrant shall not be taken from the officer seizing such property on any writ of replevin or other like process.

(Code 1977, § 33.28; Ord. No. 95-65, 8-7-1995)

**Sec. 6-17. Location restriction.**

No license required by this chapter shall be issued if the location is determined to be detrimental to the general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood of the village as a whole would be considered detrimental.

(Code 1977, § 33.29; Ord. No. 95-65, 8-7-1995)

**Sec. 6-18. Changes in interest, partnerships, and corporations.**

Changes in personnel of any licensee are subject to the following requirements:

- (1) Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the local liquor control commissioner within ten days of the change. All such persons shall meet all the standards of this chapter and must otherwise qualify to hold a license.
- (2) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a liquor license, such license shall terminate, effective on the date of such change.
- (3) When a license has been issued to a corporation and a change takes place in the officers, directors, or share holders of more than five percent of the stock, or managers resulting in the holding of office of such shares by one who is not eligible for a license, the license shall terminate, effective on the date of such change.

(Code 1977, § 33.30; Ord. No. 95-65, 8-7-1995)

**Sec. 6-19. Nuisance declared.**

Any premises, licensed or unlicensed, used to conduct the sale of alcoholic liquor in violation of the chapter, is hereby declared a public nuisance per se.

(Code 1977, § 33.31; Ord. No. 95-65, 8-7-1995)

**Sec. 6-20. Happy hours prohibited.**

(a) Happy hour promotions are hereby prohibited. All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multiuse establishment which holds a valid retailer's license operates on its

premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multiuse establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

(b) No retail licensee or employee or agent of such licensee shall:

- (1) Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
- (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
- (3) Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized;
- (4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
- (5) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for any such game or contest on the licensed premises;
- (6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited in this chapter.

(c) Nothing in the subsection (b) of this section shall be construed to prohibit a licensee from:

- (1) Offering free food or entertainment at any time;
- (2) Including drinks of alcoholic liquor as part of a meal package;



- (3) Including drinks of alcoholic liquor as part of a hotel package;
- (4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multiuse establishment and another group for the holding of any function, meeting, convention or trade show;
- (5) Providing room service to persons renting rooms at hotels;
- (6) Selling pitchers, carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two or more persons at one time;
- (7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(d) A violation of this section shall be grounds for suspension or revocation of the retailer's license as provided for by sections 6-22 and 6-65 of this chapter and by 235 ILCS 5/1-1 et seq. (Code 1977, § 33.39; Ord. No. 95-65, § 1, 8-7-1995; Ord. No. 2006-44, § I, 6-5-2006)

**Sec. 6-21. Entrance fee entertainment events on licensed premises.**

(a) *Entrance fee entertainment event defined.* For purposes of this chapter, an entrance fee entertainment event shall include all live entertainment, music and/or dance event for which an entrance fee is charged.

(b) *Approval of entrance fee entertainment events required.* Any person licensed under this chapter shall have the privilege for a period of one year which coincides with the license year to provide upon the licensed premises entrance fee entertainment events, provided, however, that the person licensed shall file for approval with the local liquor control commissioner a listing of the entrance fee entertainment events which are anticipated to take place during the license year on the licensed premises. In the event that all entrance fee entertainment events are not known at the beginning of the license year, the listing of the entrance fee entertainment events shall be updated by the person licensed, during the license year, as new entrance fee entertainment events

become known, by the filing of supplemental listings with the local liquor control commissioner for approval. In the event the local liquor control commissioner refuses to approve all or any portion of a submitted list of types of entrance fee entertainment events, the aggrieved liquor licensee may, within 14 days following notification of any such refusal, take an appeal to the board of trustees. The board of trustees shall hear the appeal and may sustain the action of the local liquor control commissioner in whole or in part or may reverse said action in whole or in part.

(c) *Responsibility for amusement tax.* Additionally, any person licensed under this chapter must pay the village amusement tax for any entrance fee entertainment event provided upon the licensed premises, unless a tax exemption applies. (Ord. No. 2006-44, § I, 6-5-2006)

**Sec. 6-22. Conduct of employees and agents; supervisor on premises.**

(a) Any act or failure to act of an employee or agent of either the licensee or a management company with respect to the licensed business shall be deemed to be the act of the licensee. Any duty set forth in this chapter as a duty of the licensee shall also be the duty of any agent or employee of the licensee.

(b) No employee or other server of alcohol may consume or be permitted to consume any alcoholic beverages on the licensed premises while on duty or while performing any duties of employment.

(c) No person, including any employee, manager, owner or agent of the licensee may consume alcoholic beverages on the licensed premises before or after the permitted hours of operation.

(d) A person must be at least 18 years of age to deliver alcoholic beverages. Additionally, no person under 21 years of age may work as a bartender.

(e) A manager, as defined by this chapter, shall be on the premises at all times that the licensed premises is open for business.

(f) Managers of a licensed premises must provide proof of having completed a certified alcohol awareness training course within 30 days of being hired. This regulation shall not apply to civic, library, village or promotion permits.

(Ord. No. 2010-77, § I, 8-16-2010)

**Editor's note**—Sec. I of Ord. No. 2010-77, adopted Aug. 16, 2010, repealed § 6-22, which pertained to penalty, and derived from the 1977 Code, and Ord. No. 95-65, adopted Aug. 7, 1995, as being superseded by § 6-33, and enacted new provisions to read as herein set out.

**Sec. 6-23. Management.**

It is recognized that a licensee may, from time to time, desire to hire or retain, as an independent contractor, a management entity to manage, generally operate and be responsible for the licensed premises. No licensee shall permit a management entity to perform such a function unless the management entity has been certified to do so by the local liquor commissioner. In order to be certified by the local liquor commissioner, a management entity must execute a liquor licensee application that reflects the entity's business status (i.e., sole proprietorship, etc.). A management entity must meet all pertinent licensing requirements of this chapter as if it were an applicant for an individual license (other than for dram shop insurance) and meet the same standards as a licensee. The application shall be accompanied by a nonrefundable application fee of \$250.00 and no management entity may be qualified unless a certification fee of \$750.00 has been paid. A management entity shall be subject to the jurisdiction of the local liquor commissioner in the same manner as a licensee. The application, approval and qualification requirements for the management entity shall be conditions attached to the license of the business employing them, and any violations of those requirements may result in license penalties for the employing business, including suspension, revocation and/or fines. If there is a violation on licensed premises, the management company and licensee shall be jointly and severally responsible.

(Ord. No. 2010-77, § I, 8-16-2010)

**Sec. 6-24. Reserved.**

**Sec. 6-25. Sealing and removal of open wine bottles.**

Notwithstanding any other provision of this chapter, any Class 3, 6 or 7 licensee may permit a

patron to remove one unsealed and partially consumed bottle of wine for off-premises consumption so long as there is compliance with the following conditions:

- (a) The patron has purchased a meal or hors d'oeuvres and consumed a portion of the bottle of wine with the meal on the licensed premises; and
- (b) The partially consumed bottle of wine that is to be removed from the premises pursuant to this section is securely sealed by the licensee prior to removal from the premises by either recorking or any other method authorized by state statute; and
- (c) The bottle is placed in a transparent one-time use tamperproof bag; and
- (d) The licensee has provided a dated and time stamped receipt for the specific bottle of wine to the patron.

It shall be the absolute duty of the licensee to assure that the type of "tamperproof" bag that is used is such that any removal or attempted removal of the bottle from the bag will be obvious to any law enforcement officer.

The wine that is resealed in accordance with the provisions of this section and not tampered with shall not be deemed an unsealed container for the purposes of section 11-502 of the Illinois Vehicle Code.

(Ord. No. 2010-77, § I, 8-16-2010)

**Secs. 6-26—6-30. Reserved.**

**Sec. 6-31. Enforcement.**

(a) *Entry upon premises generally.* Any law enforcement officer of the village may enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter or whether any rules and regulations adopted by the village president and board of trustees or by the state have been or are being violated and at such time may examine the premises of the licensee in connection therewith. Any law enforcement officer of the village may receive a complaint from any citizen within the jurisdiction of the village that any of the provisions of this chapter or any rules or regulations adopted pur-

suant thereto have been or are being violated, and may act upon such complaints in the manner provided in this chapter.

(b) *Establishment of rules and regulations.* The local liquor control commissioner shall have the authority by and with the consent and approval of the village president and board of trustees, to make and establish rules and regulations of procedure concerning notice of hearing in all such matters as may be from time to time necessary.

(c) *Compensation.* The local liquor control commission members shall receive as compensation for their services such sum as the village president and the board of trustees shall from time to time by ordinance or by resolution provide. The financial director/treasurer is hereby authorized to disburse and pay such amounts as directed by the liquor control commissioner.

(d) *Hiring employees.* The local liquor control commission may hire such employees as may be deemed necessary for the proper performance of the duties vested in the local liquor control commissioner and the commission.

(e) *Absence or inability of the local liquor control commissioner.* In the absence or inability of the local liquor control commissioner to act as such, then the president pro tem of the board of trustees shall act as the local liquor control commissioner.

(f) *Powers and duties.* The local liquor control commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses to manufacturer, importing distributors, distributors, nonbeverage users, railroads, airplanes, and boats:

- (1) To grant or suspend for not more than 30 days or revoke for cause, all local licenses issued to persons or premises within his jurisdiction;
- (2) To enter or to authorize any employee appointed as an inspector for the liquor control commissioner or any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of the state Liquor Control Act or any rules or regulations adopted by him or by the state

commission, have been or are being violated and at such time, to examine the premises of the licensee in connection therein;

- (3) To receive complaints from any citizen within his jurisdiction, that any of the provisions of the state Liquor Control Act or any rules or regulations adopted pursuant thereto, have been or are being violated and to act upon such complaints in a matter provided for in this section;
- (4) To receive local license fees and pay the fees forthwith to the village treasurer; and
- (5) To make the sole decision of the transaction of any business before the local liquor control commission.

(g) *Examination of applicant for local license.* The local liquor control commissioner shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner provided for in this chapter, and in examining or causing to be examined, the books and records of any such applicant or licensee, and to hear testimony and take proof for his information in the performance of his duties, for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any information desired for the local liquor control commissioner under this section, he may authorize his agent to act on his behalf. (Code 1977, § 33.33; Ord. No. 95-65, 8-7-1995; Ord. No. 2006-44, § I, 6-5-2006)

### **Sec. 6-32. Hearings at state commission.**

In accordance with 235 ILCS 5/7-9, any appeal from an order or action of the local liquor commissioner of the village to the state commission shall be limited to a review of the official record of the proceedings of the local liquor commissioner. All resolutions or parts thereof in conflict with the provisions of this section are hereby repealed. (Code 1977, § 33.35; Ord. No. 95-65, 8-7-1995; Ord. No. 2006-44, § I, 6-5-2006)

**Sec. 6-33. Violations; penalty.**

(a) *Penalty.* Any person violating any provision of this chapter may be fined not less than \$100.00 nor more than \$10,000.00 for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a licensee convicted of violating any provision of this chapter may be subject to having its license revoked, suspended or not renewed by the commissioner.

(b) *Hearing costs.* Any licensee determined by the local liquor control commissioner to have violated any of the provisions of this chapter shall pay to the village the costs of the hearing before the local liquor control commissioner on such violation. The local liquor control commissioner shall determine the costs incurred by the village for said hearing, including, but not limited to: court reporter fees, the costs of transcripts or records, attorney fees, the costs of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the village or such lesser sum as the local liquor control commissioner may allow.  
(Ord. No. 2006-44, § I, 6-5-2006; Ord. No. 2010-77, § I, 8-16-2010)

**Sec. 6-34. Emergency closing.**

(a) If the local liquor control commissioner or chief of police has reason to believe any continued operation of a particular licensed premises will immediately threaten the safety or welfare of the community, the local liquor control commissioner or chief of police may without notice or hearing, order the licensed premises closed for not more than 48 hours, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(b) For purposes of this section, a threat to public safety or welfare shall include the commission of a felony offense involving personal injury occurring at the licensed premises.  
(Ord. No. 2006-44, § I, 6-5-2006)

**Sec. 6-35. Severability.**

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the applicability of such provision to other person's not similarly situated or to other circumstances shall not be affected thereby.  
(Code 1977, § 33.27(H); Ord. No. 95-65, 8-7-1995; Ord. No. 2006-44, § I, 6-5-2006)

**Secs. 6-36—6-50. Reserved.**

**ARTICLE II. LICENSES**

**Sec. 6-51. Required.**

It shall be unlawful for any person to sell or offer for sale at retail in the village any alcoholic liquor without a retail liquor license.  
(Code 1977, § 33.02; Ord. No. 95-65, 8-7-1995)

**Sec. 6-52. Application.**

Application for a license required by this article shall:

- (1) Be made to the mayor or village president in writing;
- (2) Be made on the official application for the sale of alcoholic beverages as provided by the village;
- (3) Be signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation;
- (4) Be verified by oath or affidavit, and in the case of a new application, accompanied by a nonrefundable fee as set forth in section 32-32; and
- (5) Contain the following information and statements:
  - a. The name, age, date of birth, and address of applicant in the case of an individual; the names and addresses of the officers and directors in the case of a corporation, if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of



- such person; and the persons entitled to share in the profit thereof, in the case of a corporate partnership.
- b. The citizenship of the applicant, his place of birth, and the time and place of naturalization if applicable.
  - c. The current nature or type of business of the applicant.
  - d. The length of time that the applicant has been in business, or the date on which the charter was issued in the case of a corporation.
  - e. The location and description of the premises or place of business which is to be operated under such license.
  - f. A statement whether the applicant has made similar application for a similar license on the premises other than described in this application, and the disposition of such application.
  - g. A statement that the applicant has never been convicted of a felony, and is not disqualified to receive a license for any reason contained in this chapter, state laws, or ordinances of the village.
  - h. Whether a previous license by any state or subdivision thereof or by the federal government has been revoked and the reason therefore.
  - i. A statement that the application will not violate any federal laws, state laws, or municipal laws or ordinances of the village in the operation of his business.
  - j. The state retailers occupation tax number currently assigned to the business or individual, and a statement that the business or individual is not currently delinquent in payments to the state department of revenue, village, or any other governmental entity.
  - k. In the case of a new applicant, a current financial statement shall be submitted and a description of the method of the financing for the business.
1. The amount of goods, wares, and merchandise on hand at the time the application is made.  
(Code 1977, § 33.03; Ord. No. 95-65, 8-7-1995; Ord. No. 2013-40, § III, 8-19-2013)
- Sec. 6-53. Persons not entitled to license.**
- No licenses required by this chapter shall be issued to:
- (1) A person who is not a resident of the county.
  - (2) A person who is not of good character and reputation in the community in which he resides.
  - (3) A person who is not a citizen of the United States or a permanent resident alien as defined and verified by the United States Immigration and Customs Enforcement (ICE) Service.
  - (4) A person who has been convicted of a felony under the laws of any state.
  - (5) A person who has been convicted of being a keeper or is keeping a house of ill fame.
  - (6) A person who has been convicted of crimes of moral turpitude.
  - (7) A person whose license under this ordinance has been revoked for cause.
  - (8) A person, who at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application.
  - (9) A co-partnership, unless all the members of such co-partnership shall be qualified to obtain a license.
  - (10) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license under this chapter, for any reason other than citizenship and residence within the political subdivision.

- (11) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee.
- (12) A person who does not beneficially own the premises for which the license is sought, or does not have a lease thereon, for the full period for which the license is to be issued.
- (13) Any law enforcing public official, any member of a local liquor control commission, the village president, or any member of the village board of trustees.
- (14) Any person, association, or corporation not eligible for a state retail liquor license.
- (15) A person who has been convicted of a gambling offense as prescribed by 720 ILCS 5/28-1(a)(3) through (a)(10) or as proscribed by 720 ILCS 5/28-3, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the such statutory provisions.
- (16) A corporation, unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the state Business Corporation Act, 805 ILCS 5/1.01 et seq., to transact business in the state.
- (17) A person who is indebted to the village or other governmental entity for payment of any other fees, charges, bills or taxes, which he is obligated to pay but have remained unpaid for more than 45 days.
- (18) A person who does not evidence insurance coverage for dram shop liability at the required statutory maximum limits set forth in Section 5/6-21 of the Liquor Control Act of 1934 (235 ILCS 5/6-21).
- (19) No person, firm, or corporation licensed pursuant to this chapter shall engage in the business where more than 50 percent of revenue is derived from the sale of gasoline, diesel or other such motor fuels.

- (20) No person, firm, or corporation licensed pursuant to this chapter shall engage in the business of a convenience store on any portion of any licensed premises.  
(Code 1977, § 33.04; Ord. No. 95-65, 8-7-1995; Ord. No. 2010-77, § I, 8-16-2010)

#### **Sec. 6-54. License term, license fees.**

- (a) Original applicants granted a license after October 31 of a given year may secure a license until the end of the regular license term for one-half of the license fee attributable to the license classification for which the applicant applied.
- (b) No rebate of the required fee shall be made to any applicant for a liquor license required by this article.
- (c) The liquor licenses provided in this chapter shall be effective for annual periods commencing on May 1 and ending on April 30 of each year, unless otherwise specified.
- (d) The required fees for each of the license types may be found in section 32-32.

(Code 1977, § 33.05; Ord. No. 95-65, 8-7-1995; Ord. No. 2013-40, § III, 8-19-2013)

**Editor's note**—Ord. No. 2013-40, § III, adopted August 19, 2013, amended the title of § 6-54 to read as set out herein. Previously § 6-54 was titled license term, pro-rating fees.

#### **Sec. 6-55. License classification.**

Liquor licenses are divided into the following classes:

- (1) Class 1 license allows the sale of alcoholic liquor for consumption on the premises where sold.
- (2) Class 2 license allows the sale of alcoholic liquor for consumption on premises where sold and the retail sale of alcoholic liquor in the original package not for consumption on the premises. Any display of alcoholic liquor for retail in the original package shall not exceed an area of 36 square feet in the licensed premises, and no advertising of retail sales of package goods

- shall be carried on other than the price of the package being attached to the display area.
- (3) Class 3 license allows the sale of alcoholic liquor for consumption on the premises served from a service area not available to the public, and dispensed by a server with the purchase of food. A bar, per se, shall be prohibited.
  - (4) Class 4 license allows the sale of alcoholic liquor only for consumption off the premises where sold.
  - (5) Class 5 license allows the sale of beer for consumption only on the premises where sold.
  - (6) Class 6 license allows the sale of wine for consumption only on the premises where sold.
  - (7) Class 7 allows the sale of both beer and wine for consumption only on the premises where sold.
  - (8) Class 8 license allows the retail sale of alcoholic liquor for consumption on the premises only of a motel or hotel restaurant or cocktail lounge, and such restaurant or cocktail lounge shall be in the same building as such motel or hotel, or adjacent thereto.
  - (9) Class 9 license allows the retail sale of alcoholic liquor of civic, fraternal, service or charitable not-for-profit organizations at picnics, outings, festivals, or other such similar special occasions for consumption on the premises or within the area specifically designated in such license and shall, in no event be valid for more than 48 hours. Any local unit of government, or concessionaire/lessee, on such property must secure both local and state licenses to sell liquor at retail in such locations. (Joliet Park District v. Illinois Liquor Control Commission and Will County Liquor Control Commission, 1974, No. W74G1867CH. 12th Circuit, Will County.)
  - (10) Class 10 license allows retail sale of alcoholic liquor to members or their guests by clubs, as defined in this chapter, for consumption only on the premises where sold. Such license may only be issued to a club which owns or occupies under a lease, having definite terms of more than one-year, a parcel of real property not less than ten acres, and which requires the payment of annual dues from its members of more than \$100.00.
  - (11) Class 11 license allows the retail sale of alcoholic liquor for consumption on resort hotel premises.
  - (12) Class 12 license allows the sale of alcoholic liquors in original packages only in connection with and as part of a gift basket service where package beer and/or wine is sold for consumption off premises. Class 12 licenses shall be subject to the following conditions:
    - a. The value of the beer or wine shall be less than 50 percent of the retail price of package.
    - b. If gift baskets are to be mailed, delivery shall be either by parcel post or similar method or by personal delivery by licensee or employee. If by parcel service or similar method, all packages must be labeled; requiring a signature of a person 21 years of age or older. If by personal delivery by a licensee or employees, identification for 21 years of age or older is required as well as signature of person accepting delivery, a receipt or voucher system for such deliveries must be maintained, and all delivery records must be maintained for two years;
    - c. A Class 12 is a singular license in that such license will not be issued in connection with any other liquor license authorized and issued in the village;

d. A license under this class must meet all village zoning requirements for the operation of a retail establishment;

(13) Class 13 license allows Class 2 and Class 4 licensees to conduct beer and wine tasting events subject to the provisions listed below at which beer or wine is sampled by the public to promote retail sale by the liquor license holder.

- a. Such events will be limited to one per week not to exceed one-day per event.
- b. The tasting shall be attended by and supervised by a full-time employee and only in a designated area on the licensed premises as approved by the local liquor control commissioner and designated in the permit.
- c. Samples will be limited to no more than one-fluid-ounce per sample and no more than four samples per guest. No charge of any kind or character shall be made for such tasting.
- d. Tastings shall be restricted to between 1:00 p.m. and 8:00 p.m. daily.
- e. No licensee shall give or offer to give away alcoholic liquors as a gift, gratuity or tie-in with the sale of nonalcoholic products or to induce the purchase of or promote the sale of nonalcoholic products.
- f. Any violation of the Class 13 license or any conditions related thereto shall also be considered a violation of the Class 2 or 4 liquor license held by the licensed establishment and shall be grounds for the revocation or suspension of both the licensee's licenses or other action pursuant to this Code.

(14) Class 14 license. A class 14 license shall authorize the retail sale of alcoholic liquors for consumption only on premise at a movie theater which is part of a regional

shopping mall. Class 14 licenses shall be subject to the following definitions, conditions or limitations:

a. *Definitions.*

- 1. *Alcohol wristband* means an indicia of eligibility (a wristband) shall be worn on the wrist of a movie theater patron to be served an alcoholic beverage by a class 14 (movie theater) licensee.
- 2. *Regional movie theater* means any building to which the public is invited and pays consideration for the purpose of viewing motion pictures located within the regional commercial (C-6) zoning district of the village.
- 3. *Movie theater auditorium* means that portion (or those portions) of a movie theater where patrons are seated for the actual viewing of motion pictures.

b. *Conditions or limitations.*

- 1. Service of alcoholic beverages shall be limited to a designated customer bar for consumption on the premises.
- 2. Service of alcoholic beverages may be made only to persons wearing a wristband approved by the police department ("alcohol wristband"). The person dispensing alcohol wristbands shall have completed the certified alcohol awareness training course (BASSET course). The alcohol wristband shall be valid only for the business day, as defined herein, on which it is obtained from the movie theater. The requirement of an alcohol wristband may be waived, in writing, by the liquor control commissioner if the commis-



- sioner is of the opinion that other procedures instituted by the licensee provide acceptable substitute measures to assure that underage persons are not served. This waiver may be made only after a review of the written statement of practices that the applicant intends to institute. If there is such a waiver, the waiver may be withdrawn by the liquor control commissioner at such time as the commissioner makes a finding of service of alcohol to an underage person pursuant to this chapter.
3. The person dispensing alcoholic beverages shall enter the date of birth of the prospective alcohol purchaser through either electronic scanning technology or an electronic age verification system.
  4. Alcoholic beverages may be consumed in the movie theater auditorium, but may not be delivered or served in any movie theater auditorium.
  5. The containers in which alcoholic beverages are served must be of a different color, size and design than those in which nonalcoholic beverages are served.
  6. Beer may be sold only in individual containers holding 16 ounces or less. All other alcoholic beverages may be sold only in individual containers holding 12 ounces or less. This limitation shall be absolute and shall apply irrespective of the actual alcohol content of the beverage.
  7. No more than one alcoholic beverage may be delivered or served to a customer in any one trip to the bar.
  8. There may be no service of alcoholic beverages unless the movie theater is actually open for the showing of movies. Under no circumstances may alcoholic beverages be served more than one hour prior to the advertised showing time of the first movie to be shown on any day; and under no circumstance shall alcoholic beverages be served beyond the time limitation in accordance with section 6-6 or the conclusion of the last movie, whichever occurs first.
  9. The lobby bar and the lounge area associated with the bar may comprise no more than 20 percent of the floor area outside of the auditoriums.
  10. The lobby bar shall be subject to all the requirements set forth herein. If the licensee creates a separate and distinct lounge area as part of its bar and liquor service, such lounge area shall also be subject to all the requirements herein.
  11. An employee of the licensee who has completed a certified alcohol awareness training course (BASSET) be designated to monitor compliance with alcohol laws and be on duty on the premises whenever there is service of alcoholic beverages. If under 21, an employee who is 21 or older and who has completed the BASSET program must be on the premises at all times.
  12. The class 14 licensee shall be responsible if any alcohol is consumed by any minor at any location within or on the movie theater premises whether the alcohol was purchased at the movie theater or not.

13. It is intended that the service of alcoholic beverages is mainly an accessory service to the principle operation of a movie theater and shall not be advertised or otherwise held out to be a drinking establishment.
  14. Not more than one class "14" licenses shall be issued at any one time in the village.
- c. *Prohibited conduct.* In addition to the items listed above, the liquor licensee is prohibited from engaging in the following conduct or acts:
1. Service to any person of an unlimited number of alcoholic beverage drinks during any set period of time for a fixed price. The liquor and license commission may permit, in writing, a food service licensee to serve alcoholic beverages, at a fixed ticket price, for private functions where the general public is not invited.
  2. Service of alcoholic beverage drinks to any person or group of persons during any period of the business day at prices less than those charged to the general public during the rest of that business day, except at private functions, upon written permission of the liquor control commissioner. For purposes of this subsection, "business day" shall mean that single business period from the time of opening to the closing of the theater establishment even if that time period encompasses parts of two calendar days.
  3. Increasing the volume of spirits content in a drink on a given day without increasing proportionately the price otherwise charged for such a drink during the calendar week.
  4. Encouraging or permitting any game or contest which involves drinking or the awarding of drinks as prizes.
  5. Delivery of alcoholic beverages to any person in such quantity as to result in the person becoming intoxicated.
  6. It shall be unlawful for any holder of a liquor license to allow any person under the age of 21 years to:
    - i. Be seated at a bar; or
    - ii. Remain in or be seated in the lounge. This subsection shall not apply to seating at tables in the lounge when the establishment's full food menu is available in that lounge and the minor is accompanied by a parent/guardian.

(Code 1977, § 33.06; Ord. No. 95-65, 8-7-1995; Ord. No. 2007-87, §§ I, II, 11-5-2007; Ord. No. 2010-77, § I, 8-16-2010; Ord. No. 2012-64, I, 7-16-2012; Ord. No. 2013-40, § III, 8-19-2013; Ord. No. 2015-82, § II, 12-7-2015)

**Editor's note**—Ord. No. 2013-40, § III, adopted August 19, 2013, amended the title of § 6-55 to read as set out herein. Previously § 6-55 was titled license classification and fees.

**Sec. 6-56. Number of licenses.**

There shall be issued in the village no more than 32 class 1 licenses, three class 2 licenses, no class 3 license, seven class 4 licenses, five class 5 licenses, no class 6 licenses, 11 class 7 licenses, one class 8 license, no class 9 licenses, one class ten license, one class 11 license, no class 12 license, two class 13 license and one class 14 license.

(Code 1977, § 33.07; Ord. No. 95-65, 8-7-1995; Ord. No. 99-20, § 1, 2-15-1999; Ord. No. 99-125, § 1, 10-18-1999; Ord. No. 2000-100, § 1(33.07), 8-21-2000; Ord. No. 2001-8, § 1(33.07), 1-22-2001; Ord. No. 2001-62, § 1(33.07), 7-16-2001; Ord. No. 2001-102, § 1(33.07), 12-17-2001; Ord.

No. 2002-74, § 1, 8-5-2002; Ord. No. 2002-97, § 1, 10-7-2002; Ord. No. 2002-120, § 1, 12-16-2002; Ord. No. 2003-34, § I, 5-5-2003; Ord. No. 2004-27, § I, 4-12-2004; Ord. No. 2004-102, § I, 12-20-2004; Ord. No. 2005-43, § I, 6-6-2005; Ord. No. 2005-89(1), § I, 9-19-2005; Ord. No. 2005-89(2), § I, 9-19-2005; Ord. No. 2005-90, § I, 9-19-2005; Ord. No. 2005-106, § I, 12-5-2005; Ord. No. 2006-22, § I, 3-6-2006; Ord. No. 2006-28, § I, 4-3-2006; Ord. No. 2006-29, § I, 4-3-2006; Ord. No. 2006-33, § I, 4-17-2006; Ord. No. 2007-23, § I, 4-2-2007; Ord. No. 2007-33, § I, 4-16-2007; Ord. No. 2007-96, § I, 11-19-2007; Ord. No. 2008-15, § I, 2-18-2008; Ord. No. 2008-37, § I, 5-5-2008; Ord. No. 2008-46, § I, 6-16-2008; Ord. No. 2008-99, § I, 12-15-2009; Ord. No. 2009-2, § I, 1-5-2009; Ord. No. 2009-28, § I, 4-20-2009; Ord. No. 2009-36, § I, 5-18-2009; Ord. No. 2009-61, § I, 9-14-2009; Ord. No. 2009-77, § I, 11-16-2009; Ord. No. 2009-80, § I, 12-7-2009; Ord. No. 2010-20, § I, 3-15-2010; Ord. No. 2010-40, § I, 5-3-2010; Ord. No. 2010-77, § I, 8-16-2010; Ord. No. 2010-83, § I, 9-13-2010; Ord. No. 2010-87, § I, 9-20-2010; Ord. No. 2010-103, § I, 12-6-2010; Ord. No. 2011-57, § I, 8-1-2011; Ord. No. 2012-14, § I, 2-20-2012; Ord. No. 2012-18, § I, 3-19-2012; Ord. No. 2012-22, § I, 4-2-2012; Ord. No. 2012-47, § I, 5-21-2012; Ord. No. 2012-65, § I, 7-16-2012; Ord. No. 2014-32, § I, 6-16-2014; Ord. No. 2014-36, § I, 7-7-2014; Ord. No. 2015-06, § I, 2-2-2015; Ord. No. 2015-52, § I, 7-6-2015; Ord. No. 2015-59, § I, 9-14-2015; Ord. No. 2016-06, § I, 2-8-2016; Ord. No. 2016-18, § I, 3-21-2016; Ord. No. 2016-37, § I, 6-6-2016; Ord. No. 2016-51, § I, 8-8-2016; Ord. No. 2016-68, § I, 10-3-2016)

**Sec. 6-57. Display of license.**

Any license issued under this chapter shall be displayed by the licensee at all times in a conspicuous place where it is readily visible for inspection.

(Code 1977, § 33.08; Ord. No. 95-65, 8-7-1995)

**Sec. 6-58. Disposition of fees.**

The license fee shall be paid to the local liquor control commissioner at the time that the liquor license is issued. The fee shall be deposited in the



general corporate fund or in such other fund as shall have been designated by the village board of trustees by proper action.

(Code 1977, § 33.10; Ord. No. 95-65, 8-7-1995)

**Sec. 6-59. Records.**

The local liquor control commissioner shall keep a complete record of all such licenses issued by him, and shall furnish the village administrator and chief of police each with a copy thereof. Upon the issuance of any new license, or revocation of any existing license, the local liquor control commissioner shall give written notice of such action to each of these officers with 48 hours of such action.

(Code 1977, § 33.12; Ord. No. 95-65, 8-7-1995)

**Sec. 6-60. Transfer of license.**

A liquor license shall be a purely personal privilege good for no longer than one year after issuance, unless sooner revoked, and shall not constitute property, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being incumbered or hypothecated. Such license shall cease upon the death of a licensee and shall not descend by the laws of testate or intestate devolution, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists, in part, of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy, or insolvency of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

(Code 1977, § 33.13; Ord. No. 95-65, 8-7-1995)

**Sec. 6-61. Change of location.**

A liquor license shall permit the sale of alcoholic liquor only on the premises described in the

application and license. Such locations may be changed only when and upon the written application to make such change. A permit for change of location shall be issued by the village president and approved by the board of trustees. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

(Code 1977, § 33.14; Ord. No. 95-65, 8-7-1995)

**Sec. 6-62. Renewal of license.**

Any licensee may renew his liquor license at the expiration thereof, provided that he is then qualified to receive a license for the premises for which such renewal license is sought or suitable for such purpose, and provided further that the renewal privilege provided for in this chapter shall not be construed as a vested right which shall in any case prevent the reduction of the number of licenses to be issued within the village.

(Code 1977, § 33.15; Ord. No. 95-65, 8-7-1995)

**Sec. 6-63. Weapons control.**

(a) *Definitions.* For the purposes of this section the following terms shall have the meanings respectively ascribed:

*Firearm* means any device, by whatever name known which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding however, the following:

- (1) Any pneumatic gun, spring gun or B-B gun which expels a single globular projectile not exceeding .18 inches in diameter.
- (2) Any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.
- (3) Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.
- (4) An antique firearm (other than a machine gun) which, although designed as a weapon, the department of law enforcement of the state finds by reason of the date of its

manufacture, value, design and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

- (5) Model rockets designed to propel a model vehicle in a vertical direction.

*Handgun* means any firearm which:

- (1) Is designed or redesigned or made or remade, and intended to be fired while held in one hand;
- (2) Has a barrel of less than ten inches in length; or
- (3) Is of a size which may be concealed upon the person.

*Licensed firearms collector* means any person licensed as a collector by the Secretary of the Treasury of the United States under and by virtue of 18 USC 923.

*Person* means any individual, corporation, company, association, firm, partnership, club, society or joint stock company.

(b) *Possession.* No person shall possess, in any establishment licensed to sell alcoholic liquor in the village the following:

- (1) Any bludgeon, black-jack, slug shot, sand club, sand bag, metal knuckles or any knife, commonly referred to as a switch-blade knife, which has a blade that opens automatically by hand pressure applied to a button spring, or other device in the handle of the knife; or
- (2) Any weapon from which nine or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed off shotgun or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such

as, but not limited to black powder bombs and Molotov cocktails or artillery projectiles; or

- (3) Any handgun, unless the handgun has been rendered permanently inoperative; or
- (4) Any shock or stun device.

(c) *Exception to subsection (b)(1).* Subsection (b)(1) of this section shall not apply to or affect any peace officer.

(d) *Exceptions to subsection (b)(2).* Subsection (b)(2) of this section shall not apply to or affect the following:

- (1) Peace officers.
- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;
- (3) Members of the armed services or reserve forces of the United States or the Illinois National Guard or the Reserve Officers training Corps while in the performance of their official duties.

(e) *Exceptions to subsection (b)(3).* Subsection (b)(3) of this section does not apply to or affect the following:

- (1) Peace officers or any person summoned by any peace officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer and if such handgun was provided by the peace officer;
- (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;
- (3) Members of the armed services or reserve forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps. while in the performance of their official duties.
- (4) Special agents employed by a railroad or a public utility to perform police functions; guards of armored car companies, watchmen and security guards actually and



regularly employed in the commercial or industrial operation for the protection of persons employed and private property related to such commercial or industrial operation.

(f) *Penalty.*

- (1) Any person found in violation of subsection (b)(1) or (b)(2) of this section shall be fined not less than \$100.00 nor more than provided in section 1-11 and shall be grounds for suspension or revocation of the retailer's license.
- (2) Any person violating subsection (b)(3) of this section, more than one time shall be fined no less than \$100.00 nor more than as provided in section 1-11 and shall be grounds for suspension or revocation of the retailer's license.
- (3) Upon conviction of a violation of subsections (b)(1) and (b)(2) of this section, any weapon seized shall be confiscated by the trial court and when no longer needed for evidentiary purposes, the court may transfer such weapon to the village police department who shall destroy such weapon. (Code 1977, § 33.27(A)—(F); Ord. No. 95-65, § 1, 8-7-1995)

**Sec. 6-64. Violation of tax acts, refusal, revocation, or suspension of license.**

In addition to other grounds specified in this chapter, the liquor control commissioner, on complaint of the department, shall refuse the issuance or renewal of a license, or suspend or revoke such license, of any person, for any of the following violations of any tax act administered by the department.

- (1) Failure to make a tax return.
- (2) The filing of a fraudulent return.
- (3) Failure to pay all or part of any tax or penalty finally determined to be due.
- (4) Failure to keep books and records.
- (5) Failure to secure and display a certificate or subcertificates of registration, if required.

- (6) Wilful violation of any rule or regulation of the department relating to the administration and enforcement of tax liability. (Code 1977, § 33.32; Ord. No. 95-65, § 1, 8-7-1995)

**Sec. 6-65. Revocation.**

The local liquor control commissioner may revoke any retail liquor dealer's license for any violation of any provision of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor or any applicable rule or regulation established by the state liquor control commission which is not consistent with the law.

In the event that the operation of any business for which a liquor license is granted hereunder shall close down, terminate or cease for a period of 30 consecutive days, such license shall forthwith lapse and be of no further force, effect or validity. The liquor commissioner may grant a grace period for failure to operate related to construction, remodeling, or other circumstances deemed to be beyond the control of the licensee. (Code 1977, § 33.34; Ord. No. 95-65, § 1, 8-7-1995; Ord. No. 2010-77, § I, 8-16-2010)

**Sec. 6-66. Parental responsibility.**

(a) No parent shall give or deliver alcoholic liquor to his minor child for the minor's consumption unless the consumption of alcoholic liquor by such minor is in the performance of a religious service or ceremony under the direction, supervision, and approval of the parent of such minor in the privacy of the home.

(b) No parent shall intentionally, knowingly, recklessly or negligently give or deliver alcoholic liquor to, or permit possession of alcoholic liquor by their minor child, or any other minor, unless such minor is making a delivery of such alcoholic liquor pursuant to the order of his parent, in pursuance of his employment or as allowed in subsection (a) of this section.

(c) No parent shall intentionally, knowingly, recklessly, or negligently give, deliver, invite, or permit the consumption of alcoholic liquor by any minors on or about the premises owned, leased, or controlled by such parent except as otherwise allowed by this chapter.

(d) Parents shall restrain or prevent their minor children from consuming alcoholic liquor where the parents know, or in the exercise of ordinary care should know, of a substantial probability that their minor children will consume alcoholic liquor under circumstances which violate the provisions of this section, the state liquor control act, or any other ordinances, statutes, or amendments thereof.

(e) Parents who know, or in the exercise of ordinary care should know, of a substantial probability that their minor child has consumed or will consume alcoholic liquor in violation of this section, the state liquor control act, or any other ordinances, statutes, or amendments thereof, shall restrain or prevent their minor child from operating or driving a motor vehicle on the public roadways in violation of any law or ordinance.

(f) Parents who know, or in the exercise of ordinary care should know, of a substantial probability that their minor child has consumed or will consume alcoholic liquor in violation of this section, the state liquor control act, or any other ordinance, statutes, or amendments thereof, shall restrain or prevent their minor child from committing acts which constitute vandalism, theft, disorderly conduct, or the unjustifiable use of force in violation of any ordinance, law, or statute.

(g) Any person convicted of any violation of the provisions of this section shall be fined not less than \$50.00 and not more than as provided in section 1-11.

(Code 1977, § 33.37; Ord. No. 95-65, § 1, 8-7-1995)

**Sec. 6-67. Employees.**

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

(Code 1977, § 33.38; Ord. No. 95-65, § 1, 8-7-1995)

**Sec. 6-68. Requirements for Class 4 licenses.**

(a) The requirements as set forth in this section shall apply to Class 4 licenses where more than one business is maintained on the same premises.

(b) Except as set forth in subsection (c) of this section, where the holder of a Class 4 license is also engaged in another business within the same building in which alcoholic liquors are sold, all the area in which alcoholic liquors are displayed or stored shall be separated from the area in which such other business is conducted. Such separation shall be accomplished by partitions at least four feet high in such a manner that traffic within the building between the aforementioned area is physically impossible, except at a single entrance and a single exit and be under surveillance by the licensee or his adult agent except as provided under subsection.

(c) Beer and wine displays:

- (1) Beer and wine displays are allowed outside of the designated liquor department, but are limited to a total of no more than three throughout the premises. A site plan must be provided to the village identifying the requested locations of proposed beer and/or wine displays. The site plan must be approved by the local liquor control commissioner prior to any displays being erected;
- (2) Beer and wine displays are prohibited adjacent to cash registers or the front doors of the premises;
- (3) Beer and wine displays shall be prohibited in any pharmacy section, and toy and/or children's aisle of the premises.

(d) Licensee shall either maintain a separate cash register for the sale of alcoholic liquors or enter the date of birth of the prospective purchaser through either electronic scanning technology or an electronic age verification system.

(e) In addition to any other penalty that may be imposed, any violation of this section may require, for a period of six months:

- (1) The withdrawal of the ability to have beer and wine displays; and/or



- (2) That the designated liquor department must maintain its own cash register for all alcoholic liquor sales.  
(Ord. No. 2010-77, § 1, 8-16-2010)



Chapters 7—9

**RESERVED**



## Chapter 10

### AMUSEMENTS\*

#### Article I. In General

Secs. 10-1—10-30. Reserved.

#### Article II. Amusement Tax

Sec. 10-31. Definitions.  
Sec. 10-32. License required.  
Sec. 10-33. Amusement tax imposed.  
Sec. 10-34. Tax collection.  
Sec. 10-35. Penalty.  
Sec. 10-36. License suspension or revocation.  
Sec. 10-37. Refund or credit.  
Secs. 10-38—10-55. Reserved.

#### Article III. Automatic Amusement Machines

Sec. 10-56. Definitions.  
Sec. 10-57. Licensing and fees.  
Sec. 10-58. Regulations apply to all automatic amusement machines.  
Sec. 10-59. Regulations applying to automatic amusement machines as special accessory uses.  
Sec. 10-60. Regulations applying to automatic amusement machines as special uses.  
Sec. 10-61. Location restrictions.  
Sec. 10-62. Existing automatic amusement machines and uses.  
Sec. 10-63. Penalty.

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\*Cross reference—Businesses, ch. 22.



## ARTICLE I. IN GENERAL

**Secs. 10-1—10-30. Reserved.**

## ARTICLE II. AMUSEMENT TAX

### Sec. 10-31. Definitions.

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

*Amusement* means:

- (1) Any entertainment or recreational activity offered for public participation, including, but not limited to, amusement parks, carnivals, bowling, billiard and pool games charged by the hour, dancing, skating (ice or roller), swimming, racquetball, tennis, horseback riding, go-kart tracks or similar activities;
- (2) Any exhibition, performance, presentation or show for entertainment purposes, viewed outside a home or hotel guest room, including, but not limited to, any theatrical, dramatic, musical or spectacular performance, promotional show, motion picture show, flower, poultry or animal show, animal act, circus, rodeo, athletic contest, sport, game or similar exhibition such as boxing, wrestling, skating, dancing, swimming, racing or riding on animals or vehicles, baseball, basketball, softball, football, tennis, golf, hockey, track and field games, bowling, or billiard and pool games charged by the hour; and
- (3) Any other activity or event where persons engage in or observe a recreational or physical activity, game or performance.

Amusements shall not include those actions where the manner in which one participates in a recreational activity is instructional in nature and constitutes lessons or classes.

*Gross receipts* means the total selling price or charge imposed upon all persons participating in or witnessing all amusements within the village. Gross receipts shall not include any sums charged

for the right to participate in an activity within an amusement park if the charge for the entry into the amusement park, per paid admission, is more than \$10.00.

(Code 1977, § 32.04; Ord. No. 98-135, § 1, 11-16-1998)

**Cross reference**—Definitions generally, § 1-2.

### Sec. 10-32. License required.

No person, firm or corporation shall produce, present, or conduct any amusement for gain or profit without first obtaining a license from the village.

(Code 1977, § 32.04; Ord. No. 98-135, § 1, 11-16-1998)

### Sec. 10-33. Amusement tax imposed.

A tax is hereby imposed upon all persons participating in or witnessing all amusements within the village in an amount equal to three percent of the gross receipts; provided, however, that the tax shall not apply to nor be imposed upon the privilege of witnessing or participating in any business or trade show or any amusement the proceeds of which, after the payment of reasonable expenses, inure exclusively to the benefit of a public library district or park district, any religious, educational, eleemosynary or charitable institution, society or organization, or any society or organization conducted and maintained for the purpose of civic improvement, provided that no part of the net earnings of such entity inure to the benefit of any shareholder or person.

(Code 1977, § 32.04; Ord. No. 98-135, § 1, 11-16-1998)

### Sec. 10-34. Tax collection.

(a) The tax shall be collected by any natural person or corporation conducting an amusement from those persons who attend and witness or participate in such amusement.

(b) The tax so collected shall be due and payable on the 15th day of each month for the preceding calendar month. The tax shall be paid to and collected by the village treasurer.

(c) The owner or operator of the amusement shall keep complete and accurate records, books and accounts in detail of all gross receipts for such

amusements and such receipts shall be kept and made available at the place of amusement or such other place in the village as may be designated in writing by the person liable for the tax. The village treasurer, either personally or through his authorized agent, shall have the right at all reasonable times to check the books and records of any person, corporation or any other entity that carries on an amusement for the purpose of auditing the collection of such tax. Every person required to collect a tax pursuant to this article shall be considered tax collector for the village. All amusement taxes collected shall be held by such tax collector as trustee for and on behalf of the village. The failure of the tax collector to collect the tax shall not exclude or release the obligation to pay the tax.

(d) On or before the 15th day of each calendar month, each person or corporation responsible for collection of the tax provided for in this article shall make a report in writing and file it with the village treasurer stating the total number of paid admissions, if applicable, the gross receipts for paid admissions for the amusement and the total tax collected for such period.

(Code 1977, § 32.04; Ord. No. 98-135, § 1, 11-16-1998)

#### **Sec. 10-35. Penalty.**

Any person or corporation failing to pay the tax provided for in this article required or refusing to allow the inspection of books or records as required in this article, or failing to file the report of fees and charges required by this article or willfully and knowingly making a false report or violating any of the terms of this article shall be fined a penalty in the sum of not less than \$200.00 and not more than as provided in section 1-11. A separate offense shall be deemed committed on each day during or on which a violation occurs. Upon a finding of a violation of this article, the circuit court may direct and order the person or corporation to pay the tax amounts not paid to the village. In addition to the penalty above, an additional amount of five percent of the tax required to be shown due on the return shall be imposed for a failure to file a tax return on or before the due date prescribed for filing such return and an additional amount of 15 percent of

the tax shown on the return or required to be shown due on the return shall be imposed for a failure to pay such amount on or before the due date prescribed for filing the return.

(Code 1977, § 32.04; Ord. No. 98-135, § 1, 11-16-1998)

#### **Sec. 10-36. License suspension or revocation.**

The village president may suspend or revoke any license issued to a person or corporation responsible for collecting the tax provided for in this article for failure to comply with the provisions of this article. A revocation or suspension shall take place only after a hearing based upon previously presented written charges and with at least 14 days' prior written notice. At that hearing, the party charged may be represented by counsel and any witnesses called shall be subject to cross examination. The village president shall issue a written opinion, with findings of fact, after the conclusion of the hearing.

(Code 1977, § 32.04; Ord. No. 98-135, § 1, 11-16-1998)

#### **Sec. 10-37. Refund or credit.**

Notwithstanding any other provision of the ordinances of the village, in order to permit sound fiscal planning and budgeting by the village, no person shall be entitled to a refund of or credit for any tax imposed under this article unless the person files a claim for refund or credit within one year of the date on which the tax was paid or remitted to the village.

(Code 1977, § 32.04; Ord. No. 98-135, § 1, 11-16-1998)

#### **Secs. 10-38—10-55. Reserved.**

### **ARTICLE III. AUTOMATIC AMUSEMENT MACHINES**

#### **Sec. 10-56. Definitions.**

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

*Automatic amusement machine* means any mechanical, electrical or electronic machine or de-



vice, the operation of which is governed or controlled by the deposit of a coin or token, or fee, and may be operated by the public for use as an individual game, entertainment or amusement, the object of which is to achieve either a high or low score which by comparison to the score of other players, whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. The term includes devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities. It shall include any billiard, pocket billiard pool table or shuffle alley which shall be subject to the provisions of this article. It shall not include amusement uses or games where there is at least one full-time supervisor per game such as in the case of games commonly found at carnivals or fairs.

*Automatic amusement machine, permitted accessory use* means a use in other than a residential zoning district of less than six automatic amusement machines which is clearly incidental to and subordinate in area, extent or purpose to a principal use and is either in the same ownership as the principal use or is clearly operated and maintained solely for the use, comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

All automatic amusement machines established as permitted accessory uses must be licensed by the village, but do not require a public hearing.

*Automatic amusement machine, special accessory use* means a use in a residential zoning district of less than six automatic amusement machines or a use of from six to 12 automatic amusement machines in other than a residential zoning district which is clearly incidental to and subordinate in area, extent or purpose to a principal use and is either in the same ownership as the principal use or is clearly operated and maintained solely for the use, comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the principal use.

All automatic amusement machines established as special accessory uses must comply with the provisions of the village zoning ordinance for special uses including the requirement for a public hearing before the planning and zoning board.

*Automatic amusement machine, special use* means a use of more than 12 automatic amusement machines located solely within one enclosure and operated as the primary or principal use of such enclosure as regulated by the village zoning ordinance.

All automatic amusement machines established as a special use must comply with the provisions of the village zoning ordinance for special uses including the requirement for a public hearing before the planning and zoning board.

(Ord. No. 83-34, § 1, 9-26-1983; Ord. No. 2012-25, § II, 4-2-2012)

#### **Sec. 10-57. Licensing and fees.**

(a) No person, firm, or corporation shall place, keep, install, maintain, operate, or permit any automatic amusement machine, as defined by this article, within the village for use by the public without first having obtained a license for such machine.

(b) Licenses for such use shall only be issued to the person, firm, or corporation owning, renting, or operating the principal use where the automatic amusement machines are located in the case of a permitted accessory use or special accessory use; or to the person, firm, or corporation owning, renting, or operating the premises where the automatic amusement machines are located in the case of a special use.

(c) Responsibility for compliance with the regulations of this article shall rest with the licensee for the premises where the automatic amusement machines are located.

(d) An application for a license required by this article shall be filed with the office of the zoning administrator on a form prescribed by the office. Each individual automatic amusement machine will require a license, and for the purpose of this section, a separate license fee must be paid for each individual video tube screen regardless of the number of video tube screens which may be

incorporated into a single structure. The annual license fee for automatic amusement machines as a permitted accessory use shall be as set forth in section 32-32.

(e) The annual licensee fee for automatic amusement machines as a special accessory use shall be as set forth in section 32-32 for each individual automatic amusement machine. The first license to establish this use shall not be acted upon until after the village board has taken final action on the special accessory use application. Subsequent annual licenses shall be issued upon payment of the required fee unless the special accessory use permit has been revoked by the village board.

(f) The annual license fee for automatic amusement machines as a special use shall be as set forth in section 32-32 for each individual automatic amusement machine. The first license to establish this use shall not be acted upon until after the village board has taken final action on the special use application. Subsequent annual licenses shall be issued upon payment of the required fee unless the special use permit has been revoked by the village board.  
(Ord. No. 83-34, § 2, 9-26-1983; Ord. No. 2013-40, § IV, 8-19-2013)

**Sec. 10-58. Regulations apply to all automatic amusement machines.**

(a) *Gambling.* It shall be unlawful to permit gambling on the premises where any automatic amusement machines are located.

(b) *School-age children.* It shall be unlawful for anyone less than 16 years of age to operate an automatic amusement machine during normal school hours unless accompanied by his parent or legal guardian.

(c) *Age; alcoholic beverages.* It shall be unlawful for anyone less than 21 years of age to operate an automatic amusement machine in any establishment serving alcoholic beverages unless accompanied by his parent or legal guardian.

(d) *Noise.* It shall be unlawful to permit on the premises where any automatic amusement machines are located, noise, either by mechanical means or noise on the part of patrons which shall cause a disturbance to the adjacent and surround-

ing uses as would cause the normal operation or enjoyment of such use to be damaged or unreasonably disturbed.

(e) *Circulation.* It shall be unlawful to allow the placement of any automatic amusement machine in such a manner as to interfere with the normal or emergency entrances or exits for a premises or to interfere with the normal pedestrian circulation of the premises or to permit overcrowding.

(f) *Machine placement.* No automatic amusement machine shall be located within a required yard as prescribed by the zoning district in which the machine is located.

(g) *Location restrictions.* All automatic amusement machines shall comply with the location restriction requirements specified in section 10-61 of this article.  
(Ord. No. 83-34, § 3, 9-26-1983)

**Sec. 10-59. Regulations applying to automatic amusement machines as special accessory uses.**

(a) All automatic amusement machines established as special accessory uses must comply with the provisions of the village zoning ordinance for special uses, including the requirement for a public hearing before the planning and zoning board.

(b) At the public hearing, in addition to providing evidence of compliance with the standards for special use, the applicant shall provide information concerning the requirements for any special facilities required by the automatic amusement machine, special accessory use including, but not limited to:

- (1) Parking requirements.
- (2) Bicycle racks.
- (3) Restroom facilities.
- (4) Signage.
- (5) Machine location, spacing and noninterference with the activities of the principal use.
- (6) Noise.

(7) Satisfaction of the location restrictions specified in section 10-61.  
 (Ord. No. 83-34, § 4, 9-26-1983; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 10-60. Regulations applying to automatic amusement machines as special uses.**

(a) All automatic amusement machines established as a special use may comply with the provisions of the village zoning ordinance for special use, including the requirement for a public hearing before the planning and zoning board.

(b) In addition to satisfying the standards for special use as specified in the village zoning ordinance, the automatic amusement machine, special use must comply with the following:

- (1) *Parking.* One parking space shall be provided for each three automatic amusement machines on the premises. Provisions for shared parking facilities with other uses may be approved where peak parking requirements occur at distinctly different times of the day or at different times of the week as determined by the village board, pursuant to the recommendations of the plan commission as provided for in the village zoning ordinance.
- (2) *Bicycle racks.* At least one bicycle rack must be provided adequate to accommodate at least one bicycle for each three automatic amusement machines on the premises unless specifically modified by the village board after a recommendation by the planning and zoning board. The bicycle rack must be properly located to avoid conflicts with automobile and pedestrian circulation.
- (3) *Restroom facilities.* Two restrooms, one for males and one for females, must be provided for an automatic amusement machine, special use. Any provision for shared use of restroom facilities with any other use must be approved by the village board after a recommendation by the planning and zoning board.

(4) *Supervision.* An attendant who is 21 years of age or over shall have his name posted in a visible location to the general public and shall be on the premises at all times in which the business is open to the public, unless specifically modified by the village board after a recommendation by the planning and zoning board.

(5) *Visibility.* The automatic amusement machines shall be arranged, and appropriate lighting shall be provided in all areas, so that the management attendant may easily observe and supervise the operation of all machines and areas of the premises.

(6) *Hours of operation.* It shall be unlawful for any automatic amusement machine, special use to be open to the public at any time other than the following:

Monday—Thursday . . . . .	10:00 a.m.— 11:00 p.m.
Friday . . . . .	10:00 a.m.— 12:00 a.m.
Saturday . . . . .	9:00 a.m.— 12:00 a.m.
Sunday . . . . .	11:00 a.m.— 10:00 p.m.

(7) *School-age children.* It shall be unlawful to permit anyone 16 years of age or less to enter the premises of an automatic amusement machine premises, special use during normal school hours unless accompanied by his parent or legal guardian.

(8) *Litter.* Adequate waste receptacles both inside and outside of the automatic amusement machine premises, special use must be provided.

(9) *Signage and exterior lighting.* Signage and exterior lighting shall at a minimum comply with the sign ordinance of the village. In addition, proposed signage and exterior lighting shall be presented to the planning and zoning board at the public hearing for comment with final action by the village board.

(10) *Space requirements.* The total capacity of an automatic amusement machine, special use shall be limited to one automatic

amusement machine for each 35 square feet of floor area devoted to use for automatic amusement machines and shall not include such support areas as restrooms, storage, or other areas.

(11) *Location restrictions.* The proposed special use shall satisfy the location restrictions specified in section 10-61 of this article.

(c) The planning and zoning board may recommend, and the village board may impose such conditions and restrictions upon the establish-

ment, maintenance, and operation of the special use as deemed necessary for the protection of the public interest.

(Ord. No. 83-34, § 5, 9-26-1983; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 10-61. Location restrictions.**

The minimum distance in feet between any main entrance to an automatic amusement machine use and the closest property line of the location restriction factor listed in the table, Automatic Amusement Machine Use, shall be:

*Automatic Amusement Machine Use*

Location Restriction Factor	Permitted Accessory (1—5 Machines*) (in feet)	Special Accessory		Special Use (+12 Machines***) (in feet)
		(1—5 Machines**) (in feet)	(6—12 Machines*) (in feet)	
Church	300	300	400	500
School	200	200	300	500
Park	100	100	200	300
Residential zoning district	100	—	100	200

\* In other than a residential zoning district

\*\* In a residential zoning district

\*\*\* In the C/B-2 and C/S-1 zoning districts only (Ord. No. 83-34, § 6, 9-26-1983)

**Sec. 10-62. Existing automatic amusement machines and uses.**

(a) Any and all automatic amusement machines which existed in the village at the adoption of the ordinance from which this article is derived and which do or are made to comply with all provisions of this article, with the exception of the required public hearing, shall be allowed to continue provided that the number of machines existing at the adoption of the ordinance from which this article is derived shall not be increased. To maintain this total permitted number of machines, all annual license fees must continuously be paid without interruption on an annual basis.

(b) Any and all automatic amusement machines which existed in the village at the adoption of the ordinance from which this article is derived and which do not or are not made to comply with all provisions of this article, with the exception of the required public hearing, shall cease to exist in accordance with the following:

- (1) *One to five machines.* Within six months of the adoption of the ordinance from which this article is derived.
- (2) *Six to 12 machines.* Within one year of the adoption of the ordinance from which this article is derived.

- (3) *More than 12 machines.* Within two years of the adoption of the ordinance from which this article is derived.

(c) Automatic amusement machines which are incorporated as uses incidental to operation of a theme park shall be exempt from the provisions of this article, provided that:

- (1) The theme park has heretofore obtained or does hereafter obtain a special use permit for operation as a theme park pursuant to the provisions of the village zoning ordinance.
- (2) A general admission fee is charged to patrons for entrance into the theme park grounds.
- (3) The patrons of the theme park are subject to the provisions of the village amusement tax.
- (4) The theme park annually registers the number, location and types of automatic amusement machines located within the theme park and pays an annual flat registration fee of \$2,000.00 to the village.

(Ord. No. 83-34, § 7, 9-26-1983)

**Sec. 10-63. Penalty.**

(a) Any person, firm or corporation, or agents, employees, or contractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of, any provision of this article, shall be subject to a fine of not more than \$200.00 or imprisonment for not more than six months, or both, for each offense; and each day a violation continues to exist shall constitute a separate offense.

(b) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and subject to the penalties set forth in subsection (a) of this section.

(c) In addition, the village may also take other lawful action as it deems necessary to prevent or remedy any violation of any provisions of this article.

(Ord. No. 83-34, § 8, 9-26-1983)



Chapters 11—13

**RESERVED**





## Chapter 14

### ANIMALS

#### Article I. In General

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- Sec. 14-38. Certificate—Fee.
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**ARTICLE I. IN GENERAL\*****Sec. 14-1. Purpose.**

It is the purpose of this chapter to protect animals from neglect and abuse, to protect residents from annoyance and injury by animals, to assure that animal owners are responsible and in control of their animals at all times, to assist in providing housing for animals in the custody of the Village, to cover the cost of licensing and caring for animals and to establish a program to discourage the excessive multiplication of animals.

(Ord. No. 2008-26, § II, 3-17-2008)

**Sec. 14-2. Definition.**

The word "animal" as used in this chapter shall be taken and is defined to mean any living vertebrate, domestic or wild, but does not include human beings.

(Ord. No. 2008-26, § II, 3-17-2008)

**Sec. 14-3. Cruelty to animals.**

(a) It is unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.

(b) No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

(Ord. No. 2008-26, § II, 3-17-2008)

**\*Editor's note**—Section I of Ord. No. 2008-26, adopted March 17, 2008, repealed §§ 14-1—14-5, which pertained to similar subject matter and derived from the 1977 Code; Ord. No. 95-50, adopted June 5, 1995; Ord. No. 99-102, adopted August 16, 1999; and Ord. No. 2002-47, adopted May 20, 2002. Section II of Ord. No. 2008-26, enacted new provisions to read as herein set out.

**Sec. 14-4. Caring for animals and sanitation.**

(a) It is unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.

(b) No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

(c) No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

- (1) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
- (2) Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.

(d) No person owning, harboring or keeping an animal within the village shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.

(e) No person owning, harboring, keeping or in charge of any animal shall cause unsanitary dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities. (Ord. No. 2008-26, § II, 3-17-2008)

**Sec. 14-5. Disturbing the quiet.**

It shall be unlawful for any person to own, keep, have in his possession or to harbor any animal which, by frequent or habitual barking, howling, yelping, bawling or other loud noise, shall cause annoyance of any family or person, or shall disturb the peace or quiet of any person, neighborhood or place within the village. (Ord. No. 2008-26, § II, 3-17-2008)

**Sec. 14-6. Dangerous animals.**

It is unlawful to keep or harbor in the village any animal or poisonous or other dangerous reptile, which is undomesticated or wild and is dangerous to mankind. It is also unlawful for any person to keep or harbor any vicious animal in the village, or any animal which is dangerous because of a propensity to injure persons. (Ord. No. 2008-26, § II, 3-17-2008)

**Sec. 14-7. General restrictions on keeping.**

A minimum of five acres in total area shall be required to keep, maintain, tether, confine or house sheep, horses, cattle, goats, swine, chickens, roosters, ducks, or similar domestic animals anywhere in the village unless otherwise provided in this Code or by ordinance. The shelter for such animals in any structure, whether temporary or permanent, must be set back from all property lot lines a distance of at least 200 feet. This provision shall not apply to rabbits, chickens, ducks or such animals that are kept as pets and are housed in an enclosure or cage. However, it shall be unlawful to keep more than four (4) rabbits, chickens, ducks or such animals at any one time as pets. (Ord. No. 2008-26, § II, 3-17-2008)

**Sec. 14-8. Penalty.**

A violation of any provision of the chapter shall be punishable in accordance with Village Municipal Code section 1-11. Further, all remedies prescribed in the Village's Municipal Code shall be cumulative. The use of one or more remedies by the village shall not bar the use of any other remedy for the purpose of enforcing these provisions. (Ord. No. 2008-26, § II, 3-17-2008)

**Secs. 14-9—14-29. Reserved.**

**ARTICLE II. DOGS\***

**Sec. 14-30. County animal and rabies control ordinance adopted.**

This article hereby adopts the provisions of the Lake County Animal and Rabies Control Ordinance. (Ord. No. 2008-88, § I, 11-17-2008)

**Sec. 14-31. Registration of dogs.**

(a) A rabies tag shall be obtained where required by the Lake County Animal and Rabies Control Ordinance and the county shall have the express authority to license and register every dog owned by any person who owns, keeps or harbors a dog within the village. Every person who owns, keeps or harbors a dog within the limits of the village shall, within 30 days of acquisition of the dog and annually thereafter shall register with the county and obtain a license tag as evidence of such registration. License tags shall be displayed and/or attached to the collar of the registered dog at all times.

(b) Every person who owns, keeps or harbors a dog within the limits of the village which has been adjudicated or classified as a dangerous dog or other similar designation by another municipal or governmental authority, shall within 14 days of acquisition of the dog and annually thereafter, shall register with the village and obtain a certificate of registration as set forth in sections 14-37 and 14-38 of this chapter. (Ord. No. 2008-88, § I, 11-17-2008)

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\***Editor's note**—Ord. No. 2008-88, adopted Nov. 17, 2008, amended art. II in its entirety to read as herein set out. Former art. II consisted of §§ 14-31-14-38, pertained to the same subject matter and derived from the 1977 Code; Ord. No. 95-50, adopted June 5, 1995; Ord. No. 99-102, adopted Aug. 16, 1999; and Ord. No. 2002-47, adopted May 20, 2002.

**Sec. 14-32. Definitions.**

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

- (a) *Dangerous dog* means any dog that, according to the records of the chief of police or designee,
  - (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being without provocation on public or private property; or
  - (2) Has more than once severely injured or killed a domestic animal without provocation while off the owner's property; or
  - (3) Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and investigated by authorities; or
  - (4) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting. No dog shall be deemed a dangerous animal if it is a dog owned by a law enforcement agency.
- (b) *Dog* means any animal, male or female, of any kind, age and description, of the canine species which is more than four months of age.
- (c) *Dog at large* means any dog found upon any public street, sidewalk, alley, parkway, or any unenclosed place unless such dog is firmly held on a leash by a person who is physically capable of controlling that animal.
- (d) *Has been bitten* means has been seized with the teeth or jaws of an animal so that the person or animal seized has been nipped or gripped or has been wounded or pierced and includes contact of saliva with any break or abrasion of the skin.
- (e) *Leash* means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control.
- (f) *Owner* means any person over the age of 18 who keeps or harbors a dog, cat, dangerous snake, dangerous reptile or other animal or who has it in his care or acts as its custodian or who knowingly permits it to remain on or about any premises owned or occupied by him for a period of 30 days.
- (g) *Patient* means any person who has been bitten by an animal.
- (h) *Person* means any individual, firm, corporation, partnership, business entity, society, association, municipal corporation or political subdivision.
- (i) *Proper enclosure* means a structure of at least five feet in height, but no higher than six feet in height with secure sides, top and bottom forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dog in conjunction with other measures which may be taken by the owner or keeper. Such enclosure shall be located a minimum of 20 feet from any lot line and shall be securely closed and locked whenever the dog is enclosed within the structure. Such enclosure shall have a self-closing and self-latching gate and shall be securely locked, in a manner that ensures that only authorized persons may open it with a key, code or similar security device and the enclosure shall be so designed, installed and maintained with secure sides, top and bottom designed to prevent the dog from escaping from the enclosure.
- (j) *Provocation* means that the threat, injury or damage caused by the dog was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner

of the dog, or was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.

- (k) *Severe injury* means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring multiple sutures or cosmetic surgery or breaking of skin.
- (l) *Unprovoked* means that the victim, who has been conducting himself or herself peacefully and lawfully, has been bitten, chased in a menacing fashion, or attacked by a dog.

(Ord. No. 2008-88, § I, 11-17-2008)

#### **Sec. 14-33. Dog bites.**

The police department shall cause to be investigated reports of animal bites. If an animal has bitten a person, the police department shall notify the owner of the animal and instruct the owner of the animal to deliver it promptly to a licensed veterinarian, who shall confine or cause to be confined such animal as provided in the Animal Control Act [510 ILCS 5/1 et seq.]. If the owner is not known, the police officer shall take such animal promptly to a licensed veterinarian to be confined as provided in the Animal Control Act [510 ILCS 5/1 et seq.].

(Ord. No. 2008-88, § I, 11-17-2008)

#### **Sec. 14-34. Right of entry to seize dogs.**

An authorized village official may enter upon the premises of an owner of any dangerous, mad, fierce or vicious dog or any dog suffering from rabies, for the purpose of seizing it. Knowledge by such village official of one or more of such facts, the warrant of a citizen of the village stating same, or the certificate of a licensed veterinarian that such dog is suffering from rabies shall authorize a village official to enter premises and impound such dog.

(Ord. No. 2008-88, § I, 11-17-2008)

#### **Sec. 14-35. Dogs at large; impoundment.**

(a) No person shall permit any dog to run at large within the municipality. Any dog found upon any public street, sidewalk, alley, parkway, or any unenclosed public place shall be deemed running

at large unless such dog is firmly held on a leash by a person who is physically capable of controlling the animal or is in an enclosed vehicle.

(b) Unrestrained dogs may be taken and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five days unless reclaimed by their owners. If by a license tag or other means the owner can be identified, the village may upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Dogs not claimed by their owners shall be turned over to the Lake County Animal Warden for disposition.

(c) An administrative fee as set forth in the Lake County Animal and Rabies Ordinance shall be charged to any person reclaiming an impounded animal. This administrative fee shall be in addition to any fine imposed for violation of a village ordinance and any fee charged by the facility where the animal is impounded.

(d) In addition to, or in lieu of, impounding an animal found at large, the police department may issue to the owner of such dog a notice of violation in accordance with the ordinances of the village.  
(Ord. No. 2008-88, § I, 11-17-2008)

#### **Sec. 14-36. Determination of a dangerous dog.**

(a) *Investigation.*

(1) The police department shall investigate reported incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, including any enforcement officer, desiring to have a dog classified as dangerous. The address of where the dog resides shall be provided to the police department. No dog that is the subject of an investigation may be relocated or ownership transferred pending the outcome of an investigation or any hearings related to the determination of a dangerous dog classification.

(2) Where there is reason to believe that a dog is a dangerous dog, the chief of police or designee is authorized to impound and hold such dog, at the owner's expense,



pending the investigation and final resolution of any appeals. Where the dog has caused severe injury or death to any person, the chief of police or designee is required to impound and hold such dog, at the owner's expense, pending the investigation and final resolution of any appeals. Moreover, in no event shall a dangerous dog be released to its owner before the chief of police or designee approves the proper enclosure. If the dog is not impounded, it must be confined to the owner's home or the proper enclosure.

- (3) A dog shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(b) *Hearing.* Upon complaint filed by any person, an administrative hearing shall be conducted by a hearing officer pursuant to the procedures set forth in Chapter 2, Section 2-300 et. seq. of this Code. The hearing officer shall have the power to conduct a hearing and to determine that any dog is a dangerous dog. The owner or custodian of the dog shall have the right to participate in the public hearing, to present testimony, and to cross-examine witnesses. Such determination shall be made after notice of the hearing is served upon the owner or custodian of the dog as determined by dog license records. In the event that the dog is not licensed, then notice is only required if the owner or custodian of the dog has filed a written acknowledgment of ownership or custody with the chief of police or designee of the village. The hearing officer shall also have the power to issue a fine or other relief for violation of any village ordinance with respect to the violation of Chapter 14 of the Gurnee Municipal Code.

(c) *Determination.*

- (1) After the investigation, the hearing officer shall make a determination as to

whether there is sufficient cause to classify the dog as dangerous. The hearing officer shall provide written notification to the owner stating that his or her dog has been declared a dangerous dog, describing the basis for such declaration by specific behavior and date(s) of occurrence, setting forth all applicable orders and restrictions imposed, and informing the owner of his or her right to appeal such determination.

- (2) Where a dog is declared to be a dangerous dog, and the dog has caused severe injury to any person, the hearing officer may order the humane destruction of the dog, depending on the severity and circumstances of the injury. Where a dog is declared to be dangerous and the dog has caused the death of a person, the hearing officer shall order the humane destruction of the dog. In all cases where a dog is declared to be dangerous and is not humanely destroyed, the hearing officer shall order the owner to comply with the requirements as set forth in sections 14-37 and 14-38 herein.

(d) *Appeal.* All final decisions of the hearing officer shall be subject to administrative review in the Circuit Court of Lake County. (Ord. No. 2008-88, § I, 11-17-2008)

**Sec. 14-37. Certificate of registration requirement for dangerous dogs.**

(a) Within 14 days after a dog has been classified as dangerous by the hearing officer, the owner of the dog must obtain a certificate of registration for the dog from the village and the certificate shall be renewed annually. The chief of police or designee is authorized to issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the chief of police or designee the following information:

- (1) The name, address and telephone number of the dog's owner.
- (2) The address where the dog is kept, if different than the owner's address.

- (3) A complete identification of the dog including the dog's sex, color and other distinguishing physical characteristics, and a colored photograph of such dog.
  - (4) Proof of compliance with village and county dog licensing requirements.
  - (5) Proof of rabies vaccination.
  - (6) Proof of financial responsibility.
  - (7) History of prior unprovoked attacks by such dog which resulted in serious physical harm or death to any person or animal.
- (b) Prior to the issuance of a permit certificate of registration by the chief of police, the owner of such dangerous dog shall meet the following requirements:
- (1) The dog must be confined to the owner's home or in a proper enclosure.
  - (2) Posting of the premises with a clearly visible warning sign, in letters not less than two inches high, at all entry points that informs the public of the presence of a dangerous dog on the property. The sign must be visible and legible from the public way and from 50 feet away from the proper enclosure required. In addition, each such notice shall conspicuously display a warning symbol that informs children of the presence of a dangerous dog;
  - (3) Permanent identification of the dog, by means of microchipping.
  - (4) The dog shall be spayed or neutered, at the owner's expense.
    - a. The provisions regarding the neutering, spaying of dangerous dogs shall not apply to any dog that is to be trained and actively used by law enforcement agencies for law enforcement and rescue activities; any guide, signal or service dog; any dog documented and certified by a licensed veterinarian as not being a proper subject for spaying and neutering due to health or age reasons; and all dogs owned by certified and licensed breeders or hobby/show breeders.
- (5) Within 14 days of the declaration that the dog is a dangerous dog, the owner must procure and maintain in effect liability insurance, including coverage of claims arising from the conduct of the owner's dog, in an amount not less than \$300,000.00 for a dangerous dog.
  - (6) The owner and the dog must complete a course of dog obedience training approved by the chief of police or designee.
  - (7) Sign a waiver agreeing to the following:
    - a. To provide access to property and the dog for no less than two inspections annually by the police department to verify compliance with the provisions of this article; and
    - b. It is unlawful for the owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or animal. The owner may exercise the dog in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the dog remains within his or her sight and only members of the immediate household or persons 18 years of age or older are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle; and
    - c. The owner shall immediately notify the police department when a dog that has been classified as dangerous:
      - 1. Is loose or unconfined.
      - 2. Has bitten a human being or attacked another animal.
      - 3. Is sold, given away, or dies.



4. Is moved to another address.

Prior to the dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the chief of police or designee. The new owner must comply with all of the requirements of this article if the dog is moved from one location to another within the Village of Gurnee. If the dog is moved to another jurisdiction, the governing law enforcement authority in the jurisdiction must be notified by the owner of a dog classified as dangerous that the dog is in that jurisdiction.

(8) It shall be unlawful for any person to keep or maintain within the village a dangerous dog unless a certificate of registration issued under this article is then and there in full force and effect.

(9) This section does not apply to dogs used by law enforcement officials for law enforcement work.

(Ord. No. 2008-88, § I, 11-17-2008)

**Sec. 14-38. Certificate—Fee.**

The certificate of registration required by section 14-37, if issued, shall be issued for one-year upon payment of a fee as set forth in section 32-37 to the village and will be deemed to have expired one-year from the date it was issued.

(Ord. No. 2008-88, § I, 11-17-2008; Ord. No. 2013-40, § V, 8-19-2013)

**Sec. 14-39. Certificate—Denial.**

(a) The certificate of registration required by section 14-37 shall be denied in the event that:

- (1) The requested information and proof of compliance with the regulations of section 14-37 are not supplied on the application; or the additional requirements of section 14-38 are not met.
- (2) Material information on the application is not correct.

(3) A dangerous dog certificate of registration previously issued to the owner has been revoked.

(4) There is substantial proof that the dog, while unprovoked, has previously caused physical harm or death to any person or domestic animal.

(Ord. No. 2008-88, § I, 11-17-2008)

**Sec. 14-40. Certificate—Revocation.**

(a) The chief of police or designee may revoke any certificate of registration for a dangerous dog upon the following conditions:

(1) Failure to abide by the requirements as set forth in this chapter.

(2) There is substantial proof, after an investigation, that the dog, without provocation, has caused physical harm or death to any person or domestic animal.

(Ord. No. 2008-88, § I, 11-17-2008)

**Sec. 14-41. Certificate—Notice of revocation.**

Upon revocation of a certificate of registration by the chief of police or designee, the owner shall be notified of such revocation and the reasons for same and shall be advised of the right to appeal that decision. Such notice shall be effective upon delivery of a copy of same to the address indicated on the certificate of registration, or upon the posting of same upon the property of the owner by the chief of police or designee who shall make [an] affidavit to that effect. Such revocation shall be effective and the certificate of registration shall stand revoked ten days after the service of such notice, unless appeal is taken.

(Ord. No. 2008-88, § I, 11-17-2008)

**Sec. 14-42. Attack or bite by dangerous dog/owner penalties.**

(a) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the dangerous dog shall be immediately confiscated by the chief of police or designee, placed in a rabies quarantine, if necessary, for the proper length of time, or impounded and held for ten days after the owner is given written notification and thereafter de-

stroyed in an expeditious and humane manner. This ten-day time period shall allow the owner to request an administrative hearing as set forth in section 14-36 to request relief from the issuance of a written notification of humane destruction. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. If the owner does not pay these fees, he cannot reclaim the dog.

(b) If the owner files a written request for an administrative hearing, the dog must be held and may not be destroyed while the hearing is pending. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any hearing procedure. If the owner does not pay these fees, he cannot reclaim the dog. (Ord. No. 2008-88, § I, 11-17-2008)

#### **Sec. 14-43. Exemption.**

The provisions of this chapter shall not apply to the following:

- (1) Licensed veterinary hospitals where a dangerous dog is kept for treatment.
- (2) K-9 or other dogs owned or used by any police department which are used in the performance of police work.

(Ord. No. 2008-88, § I, 11-17-2008)

#### **Sec. 14-44. Penalties for violations.**

Any owner who fails to comply with any of the requirements of article II of this chapter shall be punished by a fine of not less than \$25.00 nor more than \$1,000.00. In addition to the penalties set forth above, the chief of police or designee may order an owner who violates this chapter to attend with his or her dog a designated course of dog obedience training.

(Ord. No. 2008-88, § I, 11-17-2008)

#### **Sec. 14-45. Same—Nuisance; injunction.**

The violation of any section of this article is hereby declared to be a nuisance. In addition to any other relief provided by this article, the village attorney may apply to a court of competent jurisdiction for an injunction to prohibit the con-

tinuation or repetition of any violation of this article. Such application for injunctive relief may include other appropriate relief including reasonable attorney's fees for bringing such action.

(Ord. No. 2008-88, § I, 11-17-2008)

#### **Sec. 14-46. Costs.**

Any reasonable costs incurred by the village in seizing, impounding and for confining any dangerous dog shall be charged against the owner, keeper or harbinger of such dog and shall be collected by the village. Such charge shall be in addition to any fine or penalty provided for violations of this article.

(Ord. No. 2008-88, § I, 11-17-2008)

Chapters 15—17

**RESERVED**



## Chapter 18

### **BUILDINGS AND BUILDING REGULATIONS\***

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#### **Article II. Administration**

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#### **Article III. Building Code**

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\***Cross references**—Building requirements for bathing and massage establishments, § 22-109; fire prevention and protection, ch. 34; planning, ch. 54; solid waste, ch. 62; streets, sidewalks and other public places, ch. 66; numbering buildings, § 66-34; subdivisions, ch. 70; utilities, ch. 82; vegetation, ch. 86; zoning, ch. 94.

GURNEE MUNICIPAL CODE

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- Sec. 18-215. Deputies.
- Sec. 18-216. Liability.
- Sec. 18-217. Fees.

Division 4. Duties and Powers of the Code Council

- Sec. 18-218. General.
- Sec. 18-219. Rule-making authority.
- Sec. 18-220. Inspections.
- Sec. 18-221. Right of entry.
- Sec. 18-222. Identification.
- Sec. 18-223. Notices and orders.
- Sec. 18-224. Department records.
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Division 5. Approval

- Sec. 18-226. Modifications.
- Sec. 18-227. Alternative materials, methods and equipment.
- Sec. 18-228. Required testing.
- Sec. 18-229. Material and equipment use.

Division 6. Violations

- Sec. 18-230. Unlawful acts.
- Sec. 18-231. Commencement of action, citation, contents.
- Sec. 18-232. Appearance or payment by mail.
- Sec. 18-233. Default judgment.
- Sec. 18-234. Civil fines and penalties imposed.
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## BUILDINGS AND BUILDING REGULATIONS

### Division 7. Notices and Orders

- Sec. 18-236. Notice to person responsible.
- Sec. 18-237. Transfer of ownership.

### Division 8. Unsafe Structures and Equipment

- Sec. 18-238. General.
- Sec. 18-239. Closing of vacant structures.
- Sec. 18-240. Notice.
- Sec. 18-241. Placarding.
- Sec. 18-242. Prohibited occupancy.

### Division 9. Emergency Measures

- Sec. 18-243. Imminent danger.
- Sec. 18-244. Temporary safeguards.
- Sec. 18-245. Closing streets.
- Sec. 18-246. Emergency repairs.
- Sec. 18-247. Costs of emergency repairs.
- Sec. 18-248. Hearing.

### Division 10. Demolition

- Sec. 18-249. General.
- Sec. 18-250. Notices and orders.
- Sec. 18-251. Failure to comply.
- Sec. 18-252. Salvage materials.

### Division 11. Means of Appeal

- Sec. 18-253. Application for appeal.
- Sec. 18-254. Membership of board.
- Sec. 18-255. Notice of meeting.
- Sec. 18-256. Open hearing.
- Sec. 18-257. Postponed hearing.
- Sec. 18-258. Board decision.
- Sec. 18-259. Court review.
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### Division 12. General [Provisions]

- Sec. 18-261. Scope.
- Sec. 18-262. Interchangability.
- Sec. 18-263. Terms defined in other codes.
- Sec. 18-264. Terms not defined.
- Sec. 18-265. Parts.

### Division 13. General Definitions

[Sec. 18-265.1. Definitions.]

### Division 14. General Requirements

- Sec. 18-266. Scope.
- Sec. 18-267. Responsibility.
- Sec. 18-268. Vacant structures and land.

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Division 15. Exterior Property Areas

- Sec. 18-269. Sanitation.
- Sec. 18-270. Grading and drainage.
- Sec. 18-271. Sidewalks and driveways.
- Sec. 18-272. Weeds.
- Sec. 18-273. Rodent harborage.
- Sec. 18-274. Exhaust vents.
- Sec. 18-275. Accessory structures.
- Sec. 18-276. Motor vehicles.
- Sec. 18-277. Defacement of property.

Division 16. Swimming Pools, Spas, and Hot Tubs

- Sec. 18-278. Swimming pools.
- Sec. 18-279. Enclosures.

Division 17. Exterior Structure

- Sec. 18-280. General.
- Sec. 18-281. Protective treatment.
- Sec. 18-282. Premises identification.
- Sec. 18-283. Structural members.
- Sec. 18-284. Foundation walls.
- Sec. 18-285. Exterior walls.
- Sec. 18-286. Roofs and drainage.
- Sec. 18-287. Decorative features.
- Sec. 18-288. Overhang extensions.
- Sec. 18-289. Stairways, decks, porches and balconies.
- Sec. 18-290. Chimneys and towers.
- Sec. 18-291. Handrails and guards.
- Sec. 18-292. Window, skylight and door frames.
- Sec. 18-293. Reserved.
- Sec. 18-294. Doors.
- Sec. 18-295. Basement hatchways.
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- Sec. 18-297. Building security.

Division 18. Interior Structures

- Sec. 18-298. General.
- Sec. 18-299. Structural members.
- Sec. 18-300. Interior surfaces.
- Sec. 18-301. Stairs and walking surfaces.
- Sec. 18-302. Handrails and guards.
- Sec. 18-303. Interior doors.

Division 19. Handrails and Guardrails

- Sec. 18-304. General.

Division 20. Rubbish and Garbage

- Sec. 18-305. Accumulation of rubbish or garbage.
- Sec. 18-306. Disposal of rubbish.
- Sec. 18-307. Disposal of garbage.

Division 21. Extermination

- Sec. 18-308. Infestation.



## BUILDINGS AND BUILDING REGULATIONS

- Sec. 18-309. Owner.
- Sec. 18-310. Single occupant.
- Sec. 18-311. Multiple occupancy.
- Sec. 18-312. Occupant.

### Division 22. Moisture Related Damage

- Sec. 18-313. Moisture related damage to components of structural members.
- Sec. 18-314. Moisture related damage to components of interior surfaces.

### Division 23. In General

- Sec. 18-315. Scope.
- Sec. 18-316. Responsibility.
- Sec. 18-317. Alternative devices.

### Division 24. Light

- Sec. 18-318. Habitable spaces.
- Sec. 18-319. Common halls and stairways.
- Sec. 18-320. Other spaces.

### Division 25. Ventilation

- Sec. 18-321. Habitable spaces.
- Sec. 18-322. Bathrooms and toilet rooms.
- Sec. 18-323. Cooking facilities.
- Sec. 18-324. Process ventilation.
- Sec. 18-325. Clothes dryer exhaust.

### Division 26. Occupancy Limitations

- Sec. 18-326. Privacy.
- Sec. 18-327. Minimum room widths.
- Sec. 18-328. Minimum ceiling heights.
- Sec. 18-329. Bedroom requirements.
- Sec. 18-330. Overcrowding.
- Sec. 18-331. Efficiency unit.
- Sec. 18-332. Food preparation.

### Division 27. Plumbing Facilities and Fixture Requirements

- Sec. 18-333. Scope.
- Sec. 18-334. Responsibility.

### Division 28. Required Facilities

- Sec. 18-335. Dwelling units.
- Sec. 18-336. Multiple rooming units.
- Sec. 18-337. Hotels.
- Sec. 18-338. Employees' facilities.

### Division 29. Toilet Rooms

- Sec. 18-339. Privacy.
- Sec. 18-340. Location.
- Sec. 18-341. Location of employee toilet facilities.
- Sec. 18-342. Floor surface.

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Division 30. Plumbing Systems and Fixtures

- Sec. 18-343. General.
- Sec. 18-344. Fixture clearances.
- Sec. 18-345. Plumbing system hazards.

Division 31. Water System

- Sec. 18-346. General.
- Sec. 18-347. Contamination.
- Sec. 18-348. Supply.
- Sec. 18-349. Water heating facilities.

Division 32. Sanitary Drainage System

- Sec. 18-350. General.
- Sec. 18-351. Maintenance.

Division 33. Storm Drainage

- Sec. 18-352. General.

Division 34. Mechanical and Electrical Requirements

- Sec. 18-353. Scope.
- Sec. 18-354. Responsibility.

Division 35. Heating Facilities

- Sec. 18-355. Facilities required.
- Sec. 18-356. Residential occupancies.
- Sec. 18-357. Heat supply.
- Sec. 18-358. Occupiable work spaces.
- Sec. 18-359. Room temperature measurement.

Division 26. Mechanical Equipment

- Sec. 18-360. Mechanical appliances.
- Sec. 18-361. Removal of combustion production.
- Sec. 18-362. Clearances.
- Sec. 18-363. Safety controls.
- Sec. 18-364. Combustion air.
- Sec. 18-365. Energy conservation devices.

Division 37. Electrical Facilities

- Sec. 18-366. Facilities required.
- Sec. 18-367. Service.
- Sec. 18-368. Electrical system hazards.

Division 38. Electrical Equipment

- Sec. 18-369. Installation.
- Sec. 18-370. Receptacles.
- Sec. 18-371. Lighting fixtures.

Division 39. Elevation, Escalators and Dumbwaiters

- Sec. 18-372. General.
- Sec. 18-373. Elevators.

## BUILDINGS AND BUILDING REGULATIONS

### Division 40. Duct Systems

Sec. 18-374. General.

### Division 41. Fire Safety Requirements

Sec. 18-375. Scope.

Sec. 18-376. Responsibility.

### Division 42. Means of Egress

Sec. 18-377. General.

Sec. 18-378. Aisles.

Sec. 18-379. Locked doors.

Sec. 18-380. Emergency escape openings.

### Division 43. Fire-Resistance Ratings

Sec. 18-381. Fire-resistance rated assemblies.

Sec. 18-382. Opening protectives.

### Division 44. Fire Protection and Carbon Monoxide Detection Systems

Sec. 18-383. General.

Sec. 18-384. Smoke alarms.

Sec. 18-385. Power source.

Sec. 18-386. Interconnection.

Sec. 18-387. Carbon monoxide (CO) alarms.

Secs. 18-388—18-399. Reserved.

## Article IX. Gurnee Fuel Gas Code

Sec. 18-400. Adoption.

Sec. 18-401. Modifications, supplements and exceptions.

Sec. 18-402. Penalties.

Secs. 18-403—18-499. Reserved.

## Article X. Gurnee Wildlane Urban Interface Code

Sec. 18-500. Adoption.

Sec. 18-501. Modifications, supplements and exceptions.

Sec. 18-502. Penalties.



**ARTICLE I. IN GENERAL****Secs. 18-1—18-30. Reserved.****ARTICLE II. ADMINISTRATION\***

## DIVISION 1. GENERALLY

**Secs. 18-31—18-45. Reserved.**

## DIVISION 2. BUILDING COMMISSIONER†

**Sec. 18-46. Office created.**

There is hereby created the office of building commissioner. The building commissioner shall be appointed by the village president by and with the consent of the board of trustees.

(Code 1977, § 3.09(a))

**Sec. 18-47. Duties.**

The building commissioner shall have such duties and be bound by such provisions as are set forth in the building code of the village.

(Code 1977, § 3.09(b))

**Secs. 18-48—18-70. Reserved.****ARTICLE III. BUILDING CODE‡****Sec. 18-71. Adoption.**

The regulations, conditions, definitions, and stipulations concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures and their service equipment, as set forth in the 2012 International Building Code, with modifications and supplements set forth in

\***Cross reference**—Administration, ch. 2.

†**Cross reference**—Officers and employees, § 2-91 et seq.

‡**Editor's note**—Ord. No. 2012-30, § 1, adopted April 16, 2012, deleted article III in its entirety and enacted new provisions to read as herein set out. Former article III pertained to similar subject matter and derived from Ord. No. 2005-21, §§ I, II, adopted April 18, 2005; Ord. No. 2007-57, § I, adopted July 2, 2007; Ord. No. 2009-66, § I, adopted September 21, 2009; Ord. No. 2010-86, § I, adopted September 20, 2010).

section 18-72, are hereby adopted and made applicable, subject to exceptions made in this article, to all existing or proposed buildings and accessory structures, other than those identified in article VI of this chapter, within the corporate limits of the village. The following chapters, and each section and subsection of each such chapter, are not hereby adopted and shall not be applicable in the village:

Chapter 9. Fire Protection Systems

Chapter 11. Accessibility

Chapter 13. Energy Efficiency

Chapter 27. Electrical

Chapter 29. Plumbing Systems

Chapter 34. Existing Structures

Appendix A. Employee Qualifications

Appendix B. Board of Appeals

Appendix C. Agricultural Buildings

Appendix E. Supplementary Accessibility Requirements

Appendix H. Signs

Appendix I. Patio Covers

Appendix J. Grading

Appendix K. Administrative Provisions

Appendix L. Earthquake Recording Instrumentation

Appendix M. Tsunami-Generated Flood Hazard

(Ord. No. 2012-30, 1, 4-16-2012)

**Sec. 18-72. Modifications, supplements and exceptions.**

The following sections and subsections of the 2012 International Building Code, are revised as follows:

**SECTION 101 GENERAL**

*Section 101.1 Title.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"These regulations shall be known as the *Building Code of the Village of Gurnee*, and shall be cited as such and will be referred to as "this code."

*Section 101.2 Scope.* Delete the reference to "International Residential Code" in exception and amend it to read as follows:

"Residential Dwelling Code for One and Two Families of the Village of Gurnee."

*Section 101.2.1 Appendices.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"Provisions in appendices chapters D, F, G, are adopted in their entirety."

*Section 101.4 Referenced Codes.*

*Section 101.4.1 Gas.* Amend this subsection by replacing "" with "Gurnee Fuel Gas Code."

*Section 101.4.2 Mechanical.* Amend subsection by replacing "" with "Gurnee Mechanical Code."

*Section 101.4.3 Plumbing.* Amend subsection by replacing "" with "Gurnee Plumbing Code."

*Section 101.4.4 Property maintenance.* Amend subsection by replacing "" with "Gurnee Property Maintenance Code."

*Section 101.4.5 Fire prevention.* Amend subsection by replacing "" with "Gurnee Fire Code."

*Section 101.4.6 Energy.* Amend subsection by replacing "" with "Illinois Energy Code."

**SECTION 105 PERMITS**

*Section 105.1.1 through section 105.1.2* Delete these subsections in their entirety without substitution.

*Section 105.7 Placement of Permit.* This subsection is deleted in its entirety and a new Subsection is added to read as follows:

"Permit Placard. The permit holder or his agent shall post the Permit Placard on the jobsite in an accessible and conspicuous place to allow

the building official or his designee to make required entries. The card shall be maintained on the site until the final inspection(s) have been completed and approved. A Permit Placard is "site and project specific" and shall only be posted at the location where the work has been authorized and a permit has been issued."

**SECTION 111 CERTIFICATE OF OCCUPANCY**

*Section 111.4 Revocation.* At the end of this subsection, a new subsection shall be added to read as follows:

"Section 111.5 Responsibility to secure Certificate of Occupancy. It shall be the responsibility of the building owner, or the owner's agent or company authorized by the owner to enter into leasing agreements, to secure a Certificate of Occupancy on behalf to the occupant(s) of their building."

**SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT**

At the end of this chapter, the following chapter shall be added:

**SECTION 117 SITE ADDRESS**

"Approved numbers or addresses shall be provided for all new buildings and installed on the building in such a position as to be plainly visible and legible from the street or road fronting the property."

**CHAPTER 3: USE AND OCCUPANCY CLASSIFICATIONS**

**SECTION 305 EDUCATIONAL GROUP**

*Section 305.1 Educational Group E.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by nine or more persons at any one time for educational purposes through the 12th grade.

*Section 305.2 Group E, day care facilities.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

This group includes buildings and structures or portions thereof occupied by more than eight children older than 2 ½ years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day.

*Section 305.2.2 Five or fewer children.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*Section 305.2.2 Eight or fewer children.* A facility having eight or fewer children receiving such day care shall be classified as part of the primary occupancy.

*Section 305.2.3 Five or fewer children in a dwelling unit.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*Section 305.2.3 Eight or fewer children in a dwelling unit.* A facility such as the above within a dwelling unit and having eight or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the Residential Dwelling Code for One and Two Families of the Village of Gurnee

## SECTION 308 INSTITUTIONAL GROUP

*Section 308.6 Group I-4, day care facilities.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

This group shall include buildings and structures occupied by more than eight persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

- Adult day care
- Child day care

*Section 308.6.1 Classification as Group E.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

A child day care facility that provides care for more than eight but no more than 100 children 2 ½ years or less of age, where the rooms in which children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

*Section 308.6.3 Five or fewer persons receiving care.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*Section 308.6.3 Eight or fewer persons receiving care.* A facility having eight or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

*Section 308.6.4 Five or fewer persons receiving care in a dwelling unit.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*Section 308.6.4 Eight or fewer persons receiving care in a dwelling unit.* A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the Residential Dwelling Code for One and Two Families of the Village of Gurnee

*Section 310.5 Residential Group R-3.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2, R-4, or I, including:

- Buildings that do not contain more than two dwelling units
- Boarding Houses (non-transient) with 16 or fewer occupants
- Boarding Houses (transient) with 10 or fewer occupants
- Care facilities that provide accommodations for eight or fewer persons receiving care



Congregate living facilities (non-transient) with 16 or fewer occupants

Congregate living facilities (transient) with ten or fewer occupants

*Section 310.5.1 Care facilities within a dwelling.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

Care facilities for eight or fewer persons receiving care that are within a single family dwelling are permitted to comply with the Residential Dwelling Code for One and Two Families of the Village of Gurnee provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or with Section P2904 of the Residential Dwelling Code for One and Two Families of the Village of Gurnee.

**CHAPTER 13: ENERGY EFFICIENCY**

*Section 1301.1.1 Criteria.* All reference to the "" shall be replaced with "Illinois Energy Efficiency Code."

**CHAPTER 28: MECHANICAL SYSTEMS**

*Section 2801 General.* Amend this section by deleting reference to the "" and replacing this reference with "Gurnee Mechanical Code" and by deleting reference to the "" and replacing this reference with the "Gurnee Fuel Gas Code."

**CHAPTER 30: ELEVATORS AND CONVEYING SYSTEMS**

*Section 3002.4 Elevator car to accommodate ambulance stretcher.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

In buildings requiring an elevator, at least one elevator shall be provided for the fire department emergency access to all floors. Such elevator car shall be a minimum of 80" wide by 51" deep with a minimum capacity of 2,500 pounds. Said car shall be equipped with a minimum 42" side slide door. Said elevator shall be labeled by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoist-way door frame.

**CHAPTER 35: REFERENCED STANDARDS**

*ASCE American Society of Civil Engineers.* The following standard shall be included:

(ASCE 21-05), Part 1, 2006

Automated People Mover Standards

(ANSI/ASCE/T&DI 21.2-08) Parts 2, 3 and 4, 2008

Automated People Mover Standards

*ASME American Society of Mechanical Engineers.* The following standards shall be included as follows:

(ASME A 17.7-2007/CSA B44.7-07)

Performance Based Safety Code for Elevators and Escalators

(ASME A17.2-2004)

Guide for Inspection of Elevators, Escalators, and Moving Walks

(ASME A17.3-2005)\*

Safety Code for Existing Elevators and Escalators

(ASME QEI-1-2007)

Standard for the Qualification of Elevator Inspectors

\* With respect to ASME A17.3-2005, only upgrades required by application of the Safety Code for Existing Elevators and Escalators must be completed no later than January 1, 2015 (Public Act 096-0054, Section 35(h))

The following sections and subsections of the 2012 International Building Code, are revised as follows:

**Section R202 Definitions**

At the end of this section the following definitions shall be added;

**BALCONY (exterior):** An exterior floor projecting from and supported by a structure without additional independent supports.

**DECK:** An exterior floor supported on at least two opposing sides by an adjacent structure, posts, piers or other independent supports.



**Section R301.2(1) Climactic and Geographic Design Criteria**

Table shall be amended as follows;

For Winter Design Temperature: -5 degrees F

**R313.2.1 Design and Installation.** Automatic residential fire sprinkler systems shall be designed and installed in accordance with NFPA 13D, with the following exceptions:

- a) Alarms requirement of 2010 NFPA 13D Section 7.6 shall include one exterior clear or white Audio/Visual Device on the front street-facing side of the house, activated with the local waterflow alarm.
- b) Exception for sprinklers in garages per 2010 NFPA 13D Section 8.6.4 is hereby deleted and it shall be required that one dry side-wall sprinkler head shall be installed over the door/entrance to the residence.

(Ord. No. 2012-30, 1, 4-16-2012; Ord. No. 2016-77, § I, 11-7-2016)

**Sec. 18-73. Penalties.**

(a) In each section of the International Building Code - 2012 Edition in which a fine or violation thereof is specified, the same is hereby superseded by the penalty provisions hereinafter set forth, which penalty provisions are hereby substituted so as to cover any and all violations of this article or of any provisions of said International Building Code - 2012 Edition adopted there under.

(b) Any person who shall violate any provision hereof or any provisions of the International Building Code - 2012 Edition hereby adopted or shall fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as may be affirmed or modified on appeal



or by court of competent jurisdiction, within the time duly fixed for compliance, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750.00; and when not otherwise specified, each day during which any prohibited condition continues shall constitute a separate offense.

(c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. No. 2012-30, II, 4-16-2012)

**Secs. 18-74—18-100. Reserved.**

#### **ARTICLE IV. ONE- AND TWO-FAMILY DWELLING CODE\***

**Sec. 18-101. Adoption.**

The regulations, conditions, definitions, and stipulations concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of buildings and structures and their service equipment, as set forth in the 2012 International Residential Code for One- and Two-Family dwellings, with modifications and supplements set forth in section 18-102, are hereby adopted and made applicable, subject to exceptions made in this article, to all existing or proposed one and two family buildings and accessory structures within the corporate limits of the village. The following chapters, and each section and subsection of each such chapter, are not hereby adopted and shall not be applicable in the village:

Chapter 25 Plumbing Administration

Chapter 26. General Plumbing Requirements

Chapter 27. Plumbing Fixtures

Chapter 28. Water Heaters

Chapter 29. Water Supply and Distribution

**\*Editor's note**—Ord. No. 2012-55, § 1, adopted June 18, 2012, deleted article IV in its entirety and enacted new provisions to read as herein set out. Former article IV pertained to similar subject matter and derived from Ord. No. 2005-22, §§ I, II, adopted April 18, 2005; Ord. No. 2009-56, § I, adopted August 3, 2009.

Chapter 30. Sanitary Drainage

Chapter 31. Vents

Chapter 32. Traps

Chapter 33. Storm Drainage

Chapter 34. Electrical General Requirements

Chapter 35. Electrical Definitions

Chapter 36. Services

Chapter 37. Branch Circuit and Feeder Requirements

Chapter 38. Wiring Methods

Chapter 39. Power and Lighting distribution

Chapter 40. Devices and Luminaries

Chapter 41. Appliance Installation

Chapter 42. Swimming Pools

Chapter 43. Class 2 Remote-Control, Signaling and Power-Limited Circuits

Appendix E. Manufactured Housing Used As Dwelling Appendix I Private Sewage Disposal

Appendix L. Permit Fees

Appendix M. Home Day Care - R-3 Occupancy

Appendix N. Venting Methods

Appendix O. Automatic Vehicular Gates

Appendix P. Sizing of Water Piping Systems

Appendix Q. ICC Electric Provisions/NEC Cross Reference

(Ord. No. 2012-55, § 1, 6-18-2012)

**Sec. 18-102. Modifications, supplements and exceptions.**

The following sections of the 2012 International Residential Dwelling Code for One- and Two-Family Dwellings, are revised as follows:

**CHAPTER 1 ADMINISTRATION**

**SECTION R101 TITLE, SCOPE and PURPOSE**

*Section R101.1 Title.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"These provisions shall be known as the *Residential Code for One- and Two-Family Dwellings of the Village of Gurnee*, and shall be cited as such and will be referred to as "this code." *Section R102.5 Appendices.* Amend this subsection to read as follows:

"Appendixes Chapter A, B, C, D, F, G, H, J, and K are adopted as a part of this Code."

**SECTION R105 PERMITS**

*Section R105.7 Placement of permit.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"*Permit Placard.* The permit holder or his agent shall post the permit placard on the jobsite in an assessable and conspicuous place to allow the building official or his designee to make required entries. The card shall be maintained on the site until the final inspection(s) have been completed and approved. A permit placard is "site and project specific" and shall only be posted at the location where the work has been authorized and a permit has been issued."

**SECTION R106 CONSTRUCTION DOCUMENTS**

*Subsection R106.1 Submittal documents* is revised to add a period after the word "professional" in the second sentence and delete the remainder of the sentence to read as follows:

"*R106.1 Submittal Documents.* Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional."

*Section R106.3.1 Approval of construction documents.* Amend the last sentence to read:

"The other set, including plan review comments, shall be returned to the applicant, shall be available at the site of work and shall be open to inspection by the building official or his or her authorized representative."

**SECTION R108 FEES**

*Section R108.3 Building permit valuations.* At the end of this subsection, add the following sentence:

"Valuation shall be determined by the building safety department based upon the type of construction and the use group occupancy cost per square foot table published on the ICC web site, or other comparable publications. The valuation table shall be updated from the ICC web site on the 1st of March each year."

**SECTION R109 INSPECTIONS**

*Section R109.1.1.* At the end of this subsection, the following subsection shall be added:

"*R109.1.1.1 Damp proof & tile:* This inspection is made upon completion of all foundation and installation of any foundation drains, damp proofing, window wells, and drains installed and before backfill to excavated area around foundation occurs."

*Section R109.1.4 Frame and masonry inspection.* At the end of this subsection, the following subsection shall be added:

"*R109.1.4.1 Insulation:* This inspection is made when insulation is in place and the dwelling is weather tight but before wall and ceiling finishes are applied."

*Section R109.4 Approval required.* At the end of this subsection, the following subsection shall be added:

"*R109.5 Prefabricated Construction is prohibited.*

*Exception:* Building panels that are open for inspection after erected are permitted. These panels must be in compliance with this code and all other codes that are adopted by the

Village of Gurnee. Where questions arise if the panels are open for inspection, the ruling of the building official shall prevail."

**CHAPTER 2 DEFINITIONS**

**SECTION R202 DEFINITIONS**

*Section R202 Definitions.* For this section, the following definition shall be added:

"Usable space. Space in a building for living, sleeping, eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility space, and similar areas."

**CHAPTER 3 BUILDING PLANNING**

*Table R301.2.(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA*

Enter values in the respective columns as follows:

- Ground Snow load = 30
- Wind speed (mph) = 90
- Wind Design Topographic Effects = No
- Seismic design Category = A
- Weathering= Severe
- Frost line depth = 42"
- Termite = moderate to heavy
- Winter Design Temp = -10 degrees F
- Ice Barrier Underlayment Required = Yes
- Flood Hazard Adoption = 6/24/74 (Ord. 74-19)
- Flood Insurance Study Date = 9/7/2000

**FIRMS:**

<i>Panel</i>	<i>Date</i>
17097C0063 F	9/3/97
17097C0064 G	9/7/00
17097C0068 G	9/7/00
17097C0069 G	9/7/00
17097C0132 G	9/7/00
17097C0154 G	9/7/00
17097C0155 G	9/7/00
17097C0156 G	9/7/00
17097C0157 G	9/7/00

Air Freezing Index = 2000

Mean Annual Temp = 47.6 degrees F

*Table R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS*

Amend value for sleeping rooms from 30 # to 40 #.

*R302.6 Dwelling/Garage Fire Separation.* Delete section in its entirety and replace with the following:

"The garage shall be separated from the dwelling unit by not less than 5/8-inch, Type X gypsum board or equivalent applied to the garage side of all garage walls and ceiling. Openings in garage walls and ceiling shall comply with section 302.5.

Delete Table R302.6 in its entirety.

**SECTION R307 TOILET, BATH AND SHOWER SPACES**

*Section R307.1 Space required.* Amend this subsection to read as follows:

"Fixtures shall be spaced as per the Village of Gurnee Plumbing Code."

Add the following subsections after 307.2:

*R307.2.1 Wall Covering.* Walls in shower and tub areas shall be sheeted with an approved material before the tub or shower (with or without an enclosure) is set.

*R307.3 Freezing.* No water piping or fixture traps shall be permitted in a wall against an unheated area. Walls or chases with plumbing in them adjacent to walls against unheated areas shall be separated from the unheated areas with an insulated wall sheeted on the inside with an approved sheathing.

**SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS**

*Section R310.1.* Delete the exception from the requirement in its entirety.

**CHAPTER 6 WALL CONSTRUCTION**

*R602.3.1 Stud height size and spacing.* Add the following as exception 3:

"In walls where plumbing waste and vent piping larger than trade size one and one-half inch (1-1/2 inch) will occur, the wall shall be framed with not less than 2 x 6 framing members. Boring for pipes shall occur as allowed in the boring section of this code. Scabbing or furring of this wall area shall not be allowed."

*Table R 602.3(5) Size, Height and Spacing of Wood Studs.* Reference to and use of 2x3's and footnote "b" of table R 602.3(5) are hereby deleted.

**CHAPTER 10 CHIMNEYS AND FIREPLACES**

**SECTION R 1004 FACTORY-BUILT FIREPLACES**

*Subsection R 1004.4 Unvented gas lot heaters.* Delete subsection in its entirety and replace with "Unvented Gas Log Heaters are prohibited."

**CHAPTER 16 DUCT SYSTEMS**

**SECTION M 1601 DUCT CONSTRUCTION**

*Subsection M1601.1.1 Above-ground duct systems.* Amend this subsection as follows:

Delete sections 3, 5, & 7 and re-number.

**CHAPTER 21 HYDRONIC PIPING**

**SECTION M2104 LOW TEMPERATURE PIPING**

*Subsection M2104.1 Piping materials.* Delete the following subsection without substitution.

**CHAPTER 24 FUEL GAS**

**SECTION G2445 (621) UNVENTED ROOM HEATERS**

Delete this section and substitute with "Unvented Room Heaters are prohibited."

**SECTION G2448 (624) WATER HEATERS**

All references to "this code" shall be replaced with: "the Gurnee Plumbing Code."

**PART VII - PLUMBING**

Chapters 25 through 33 are hereby deleted and any reference to these Chapters shall be directed to the Village of Gurnee Plumbing Code. All references to Section 2904 shall be directed to NFPA 13D.

**PART VIII - ELECTRICAL**

Chapters 34 through 43 are hereby deleted and any reference to these Chapters shall be directed to the Village of Gurnee Electrical Code.

**APPENDIX G SWIMMING POOLS, SPAS, AND HOT TUBS**

**SECTION AG105 BARRIER REQUIREMENTS**

*SECTION AG105.2 Outdoor swimming pool.*

Replace Section 1 as follows:

1. The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 4 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure.

Replace Section 4 as follows:

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches (44 mm) in width.

*Exception:* The top of the barrier is 60 inches (5 feet) or greater above grade measured on the side of the barrier which faces away from the swimming pool.

Replace Section 5 as follows:

5. Where the barrier is composed of horizontal and vertical members and the distance be-



tween the tops of the horizontal members is 45 inches (1143 mm) or more, or the top of the barrier is at least 60 inches (5 feet) above grade measured on the side of the barrier which faces away from the swimming pool, spacing between vertical members shall not exceed 4 inches (102 mm).

Replace Section 7 as follows:

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 2 ¼ inch (57 mm) square.

Replace Section 8 as follows:

8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 8, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall be lockable. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and

8.2. The gate and barrier shall have no opening larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

## APPENDIX J EXISTING BUILDINGS AND STRUCTURES

*Section AJ 102.4 Replacement windows.* Delete references to chapter 11 and replace with Illinois Energy Code.

*Section AJ 501.1 Newly constructed elements.* Delete exception 2 under this heading.

*Section AJ 501.5 Electrical equipment and wiring.* Delete this section and all subsections. (Ord. No. 2012-55, § 1, 6-18-2012)

## Sec. 18-103. Penalties.

(a) In each section of the International Residential Code for One & Two-Family Dwellings - 2012 Edition in which a fine or violation thereof is specified, the same is hereby superseded by the penalty provisions hereinafter set forth, which penalty provisions are hereby substituted so as to cover any and all violations of this article or of any provisions of said International Residential Code for One & Two Family Dwellings - 2012 Edition adopted there under.

(b) Any person who shall violate any provision hereof or any provisions of the International Residential Code for One & Two Family Dwellings - 2012 Edition hereby adopted or shall fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as may be affirmed or modified on appeal or by court of competent jurisdiction, within the time duly fixed for compliance, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750.00 and when not otherwise specified, each day during which any prohibited condition continues shall constitute a separate offense.

(c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 2012-55, § 4, 6-18-2012)

## Secs. 18-104—18-130. Reserved.

## ARTICLE V. ELECTRICAL CODE\*

### Sec. 18-131. Short title.

This chapter shall be known and cited as the "Gurnee Electrical Code".

\***Editor's note**—Ord. No. 2003-76, § I, adopted Oct. 13, 2003, repealed ch. 18, art. V, §§ 18-131—18-136, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, art. V, pertained to similar subject matter and

(Ord. No. 2003-76, § I, 10-20-2003)

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derived from Ord. No. 92-117, art. I—VI, adopted Sept. 14, 1992; Ord. No. 2002-23, § 1(25-1)—(25-6), adopted March 18, 2002; and Ord. No. 2002-31, § 1(b)—(g), adopted April 15, 2002.

**Cross reference**—Utilities, ch. 82



**Sec. 18-132. Electrical code created.**

There is created and established, in and for the Village of Gurnee, the Gurnee Electrical Code. (Ord. No. 2003-76, § I, 10-20-2003)

**Sec. 18-133. Adoption of the 2002 National Electrical Code (NFPA 70-2001).**

The 2002 National Electrical Code (NFPA 70-2001), as published by the National Fire Protection Association and approved by the American National Standards Institute, be and is hereby adopted as the Gurnee Electrical Code, governing the construction, alteration, addition repair, removal, replacement, maintenance, location and use of electrical wiring, equipment, and systems in the village; and each and all of the regulations, provisions, penalties, conditions, definitions, stipulations, and referenced standards of said National Electrical Code, are hereby referred to, adopted, and made part hereof as if fully set out in this chapter, with the adoptions, insertions, deletions, and modifications, if any, as are hereafter set forth in this chapter. (Ord. No. 2003-76, § I, 10-20-2003)

**Sec. 18-134. Amendment to 2002 National Electrical Code (NFPA 70-2001).**

The following Articles/Sections of the 2002 National Electrical Code are amended as follows:

*Article 100—Definitions*

*Article 100:* For this section, the following definitions shall be added:

*Add:* "Chief electrical inspector": The position designated by community development director, which shall be known as the Electrical Inspector of Gurnee.

*Add:* "Electrical inspector": The position designated by the village administrator or designee or community development director, which shall be known as the building inspector. The building inspector shall be trained by the chief electrical inspector and or registered update classes.

*Add:* "GFCI—ground fault circuit interrupter": At the end of this definition, add the following sentence: That all applications of this

code and ordinance must be used to upgrade all structures if alterations are made on the electrical system, per building department.

*Add:* "Illinois Licensed Electrical Contractor": The term means a contractor granted permission and who has tested in the State of Illinois and complies with the Municipal Act of Illinois.

*Add:* "Registered electrical contractor": The term means an electrical contractor who has registered with the Village of Gurnee and has updated insurance and has complied with all qualifications of the village.

*Add:* "Screen room": All structures that only use screens to separate the interior from the outside environment. It will be considered a wet location and follow the applicable codes and this ordinance.

*Add:* "Sleeping room": Any room over 70 square feet that can have a door installed on its entry and has a closet in said room.

*Add:* "Three season room": Any structure attached or detached to a residential dwelling that has windows or barriers installed, with no heat, and the use is for something other than storage, must follow Section 210.52 - Dwelling Units Receptacle Outlets; and Section 210.70 - Lighting Outlets Required; and other applicable codes of this ordinance.

*Article 110—Requirements for Electrical Installations*

*Section 110.5:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*"Conductors.* All conductors normally used to carry current shall be of copper. Where the National Electric Code provides other material for conductors, written permission must be obtained from the building department and placed in the permit records."

*Section 110.12: Mechanical Execution of Work.*

*Section 110.12(c):* At the end of this subsection, the following subsections are added to read as follows:

- (d) All conductors must be installed after the wall finish has been installed, unless written permission is obtained from the building department with instructions.
- (e) All abandoned conduit, wire, or other electrical equipment and material must be removed. This includes low-voltage wiring, data processing cable, etc.
- (f) Free standing electrical distribution centers and motor control centers designed for floor installation must be mounted on a four inch (4") thick concrete house-keeping pad.
- (g) All transformers where subject to physical damage, or where washing of floor with water is frequent (as decided by the Authority having jurisdiction), must be installed on a four inch (4") thick concrete house-keeping pad, when installed on a floor.

*Section 110.26(c): Access and Entrance to Working Space.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"At least one entrance of sufficient area being no smaller than thirty-two inches

(32") of clear opening and six and one-half feet (6-1/2') high shall be provided to give access for working space around equipment, and large enough to remove the largest piece of equipment. When it is a hinged door, it shall open in the direction of egress and be equipped with panic bars, pressure plates, or other devices that are normally latched but open under simple pressure.

For equipment rated 1200 amp or larger; over six feet (6') wide; and contains over current devices, switching, or control devices, there shall be an entrance at each end of the working space."

*Section 110.27(c): Warning Signs.*

At the end of this subsection, the following sentence shall be added: "All rooms that house electric panel boards, control centers, and transformer will be labeled as "ELECTRIC" to the satisfaction of the Authority Having Jurisdiction."

*Section 110.33(a):* Change this subsection to read as follows:

*Entrance.* In place of not less than a minimum of twenty-four inches (24") of clear opening and six and one-half feet (6-1/2') high, insert no smaller than thirty-two inches (32") of clear opening and six and one-half feet (6-1/2') high shall be provided to give access to working space around electric equipment, and large enough to remove the largest piece of equipment. When it is a hinged door, it shall open in the direction of egress and be equipped with panic bars, pressure plates, or other devices that are normally latched but open under simple pressure."

*Article 210—Branch Circuits*

*Section 210.3 Rating* At the end of this subsection, the following sentence shall be added:

"The minimum electric wire size for commercial and industrial building is a 12 awg wire for branch circuits."

*Section 210.8: Ground-Fault Circuit-Interrupter Protection for Personnel.*

*Section 210.8(a)(8):* At the end of this subsection the following subsection shall be added:

- (9) *Dwelling units.* All 125-volt single-phase 15 and 20 amp receptacles installed within six-foot (6') horizontal measurement of a water bearing fixture (i.e. tubs, sinks, etc), shall be ground-fault interrupter protection for personnel. The GFCI protection must be from a receptacle in said room, or service panel. Protection from room to room for receptacles is not allowed."

*Section 210.8(b):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*Other than dwelling units.* All 125-volt single phase 15 and 20 amp receptacles within six foot (6') horizontal measurement of all water bearing fixtures, or when installed in the locations specified below shall have ground-fault protection for personnel. The GFCI protection must be from a receptacle in said room, or service panel. Protection from room to room for receptacles is not allowed.

*Section 210.8(b):* At the end of this subsection, the following subsection shall be added:

- (4) *Mechanical, Boiler, Electrical Room.* All 125-volt single-phase 15 and 20 amp receptacles used as conveniences in these rooms shall be ground-fault protected for personnel."

*Section 210.21: Outlet devices.*

*Section 210.21(a):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*Lampholders.* No lampholders shall be connected to a circuit that has an amperes rating of over 20 amps.

*Section 210.21(b)(3): Receptacles* At the end of this subsection, the following sentence shall be added:

"All receptacles shall be rated at the same size as the branch circuit rating."

*Section 210.25: Common Area Branch Circuits.*

*Section 210.25:* At the end of this section, the following sentence shall be added:

"This requirement is also required for office building, warehouse building, retail building, etc., where multi-tenant building occurs."

*Section 210.52: Dwelling Unit Receptacles Outlets.*

*Section 210.52(e):* At the end of this subsection, the following sentence shall be added: "Exterior outlets must be installed with an offset in the structure, back-to-back installations are not allowed."

*Section 210.52(f):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"*Laundry Areas.* When the laundry area is over 30 square feet, a separate 20 amp circuit must be provided for the washer/dryer unit, as mandated in Section 210-11(c)(2). In addition to this, one 110 volt 15 amp receptacle must also be provided."

*Section 210.52(g): Basements and Garages.*

*Section 210.52(g):* At the end of this subsection, the following sentence shall be added:

"At least one 20 amp convenience receptacle must be installed on a separate circuit."

*Section 210.70: Lighting Outlets Required.*

At the end of this section, the following shall be added: "In all occupancies: stairs, halls, corridors, garages, and rooms of any shape, size, or location, with more than one entry and exit must have the lighting for that area switched at all exits and entries and the path of travel. When entering one room and leaving another, you must be able to turn on the light when entering and off when leaving at that point. The switch shall be located at the latch side of the door, and cannot be located at any point further than three feet (3') in path of travel or behind objects. All entrance or exit doors that provide

access to grade level must be provided with exterior illumination by a light located on the building."

*Exception:* Business with adequate night lighting.

*Section 210.70(a)(3):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"*Storage or Equipment Spaces.* At least one wall switch controlled lighting outlet shall be installed in attics; under floor spaces; utility rooms; basements; or spaces containing heating, air conditioning, refrigeration equipment, sign equipment, and spaces containing any equipment of any kind. In residential basements, the entire basement must have adequate lighting of not less than fifteen-foot (15') candles of illumination thirty-inches (30") above finished floor."

#### *Article 215—Feeders*

*Section 215.2 Minimum Rating and Size.*

*Section 215.2(A)(4):* At the end of this subsection the following subsection shall be added:

"(5) When an office complex of Group B, as defined by BOCA National Building Code or newest adopted code, is not over 200 square feet, fed from a common tenant panel in an accessible area and under one management metered plan, then all circuits in the office space must be able to be disconnected by one switch (i.e. lighting and power), except house-controlled exit lighting and the switch must be located by the front door of the tenant space."

#### *Article 220—Branch-Circuit, Feeder, and Service Calculations*

*220.3(b)(1): Specific Appliances or Loads.*

*Section 220.3(b)(1):* At the end of this subsection, the following sentence shall be added:

"Individual circuits are required for each of the following: microwaves, trash compactors, dishwashers, freezers, refrigerators, furnaces, vacuum system, window air conditioners, circulation pumps, and garbage disposals."

*220.3(b)(11): Other Outlets.*

*Section 220.3(b)(11):* At the end of this subsection, the following sentence shall be added:

"Receptacle spacing for other than residential uses shall be set a maximum of twelve feet (12') on center along all walls, as specified in Section 210-52, in all conference rooms, office areas, lunch rooms, and waiting rooms, regardless of furniture layout. The volt-ampere (VA) calculation shall be calculated as specified in Article 220-3(b)(9) of this Section (but only 20 amp circuits are allowed). When a floor to ceiling glass (wall/window) is installed, receptacle spacing is not required."

*Section 220.3(b)(11):* After this subsection, the following subsection shall be added:

*(12) Openings Per Circuits.* The maximum of electrical openings per circuits shall be nine (9) for 15 ampere branch circuits and eleven (11) for 20 ampere branch circuits."

*Section 220.22:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*"Feeder or Service Neutral Load.* The feeder or service neutral load shall be the same size as the phase conductor. If nonlinear loads induce a large unbalanced load on the neutrals amperity rating, it must be increased to ample size per Table 310."

*Article 225—Outside Branch Circuits and Feeders*

*Section 225.1 Scope*

*Section 225.1:* At the end of this subsection, the following sentence shall be added: "Except in existing installations, branch circuits and feeders may not utilize open conductors or open multi-conductor cables unless written permission is obtained from the Authority Having Jurisdiction."

*Section 225.10:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*"Wiring on buildings.* The installation of outside wiring on surfaces of buildings, signs, or poles, shall be permitted for

circuits of not over 600 volts, nominal, and must only be installed in rigid galvanized metal conduit, galvanized intermediate metal conduit, or rigid aluminum conduit. When rigid aluminum conduit is used, it shall be installed in a manner as not to be exposed to mechanical damage. Rigid non-metallic conduit may only be used for grounding electrical conductor (GEC)."

*Section 225.32: Location*

*Section 225.32:* At the end of this section, the following sentence shall be added:

"A disconnecting means shall be located inside of the occupant's space and disconnect all power inside of said space."

*Section 225-35: Access to occupants*

*Section 225.35:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"In a multiple-occupancy building, each occupant shall have a main disconnecting means installed within the tenant space.

*Exception:* In single family dwelling units, it is permissible to have two (2) disconnecting means for 400 amp and large single phase services.

*Exception:* In use Group F-1, F-2, S-1, S-2, and U (i.e. factory, industrial, storage, utility, and miscellaneous as per 1996 BOCA National Building Code Section 302) or newest adopted code. The main disconnect means may be located on the outside of the occupant's space.

*Exception:* When an office complex of Group B, as defined by 1996 BOCA National Building Code or newest adopted code, not over 200 square feet, fed from a common tenant panel in an accessible area, and under one management metered plan, all circuits in the office space must be able to be disconnected by one switch (i.e. lighting and power), except house controlled exit lighting and the switch must be located by the front door of the tenant space."



*Article 230—Services*

*Section 230.1: Scope*

*Section 230.1:* At the end of this subsection, the following shall be added:

"Each occupancy must be metered individually by the applicable power company, regardless, unless an exception of this ordinance applies. Each occupant of a multi-occupancy building must have at least one CE metering system installed for each tenant, under no circumstance or situation may tenants share Commonwealth Edison metering systems unless exceptions of the ordinance are met."

*Section 230—Section B Overhead-Service Drops Conductors*

*Section 230.23: Size and Rating.*

*Section 230.23(a):* At this end of this subsection, the following shall be added: "All residential service revisions shall be a minimum 100 amp with twenty (20) circuit openings and have a main circuit breaker. The service entrance conductors must be a minimum of three (3) #3 copper wire and be installed in a minimum of not less than one and one-quarter inch (1-1/4") conduit. The panel must have 10% of spare space at final inspection.

All new single family dwelling units shall have a minimum of 200 amp service with at least forty (40) circuit openings and have a main circuit breaker. The service entrance conductors must be a minimum of three (3) 3/0 copper wires and be installed in a minimum of not less than a two inch (2") conduit. The panel must have 10% of spare space at final inspection.

*Exception:* Townhomes and apartments under 1400 square feet are allowed to have a 100 amp, twenty (20) circuit panel with main breaker.

For all industrial, commercial, and retail service entrances, must be a minimum of 100 amp with twenty-four (24) circuits with a main circuit breaker and be bolt-on type. Conductor must be a minimum of #3 copper for 100 amp; 1/0 copper for 150

amp; 3/0 copper for 200 amp; and 500 mcm copper for 400 amp. Panels are required to be bolt-on type and have 15% spare space on final inspection."

*Section 230.23(c):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"*Grounded Conductors.* The grounded conductors shall be the same size as the phase (ungrounded) conductors and be of copper."

*Section 230.28: Service Masts as Supports.*

*Section 230.28:* At the end of this section, the following shall be added:

"The raceway must be increased from one and one-quarter inch (1-1/4") to two inch (2"); and two inch (2") to two and one-half inch (2-1/2) conduit for mast attached. No mast attachment over 200 amp services."

*Section 230—Section C Underground Service-Lateral Conductors*

*Section 230.31: Size and Rating*

*Section 230.31(a):* At this end of this subsection, the following shall be added:

"All residential service revisions shall be a minimum 100 amp with twenty (20) circuit openings and have a main circuit breaker. The service entrance conductors must be a minimum of three (3) #3 copper wire and be installed in a minimum of not less than one and one-quarter inch (1-1/4") conduit. The panel must have 10% of spare space at final inspection.

All new single family dwelling units shall have a minimum of 200 amp service with at least forty (40) circuit openings and have a main circuit breaker. The service entrance conductors must be a minimum of three (3) 3/0 copper wires and be installed in a minimum of not less than a two inch (2") conduit. The panel must have 10% of spare space at final inspection.

*Exception:* Townhomes and apartments under 1400 square feet are allowed to have a 100 amp, twenty (20) circuit panel with main breaker.

For all industrial, commercial, and retail service entrances, must be a minimum of 100 amp with twenty-four (24) circuits with a main circuit breaker and be bolt-on type. Conductor must be a minimum of #3 copper for 100 amp; 1/0 copper for 150 amp; 3/0 copper for 200 amp; and 500 mcm copper for 400 amp. All panels are required to be bolt-on type and have 15% spare space at final inspection."

*Section 230.31(c):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"*Grounded Conductors.* The grounded conductors shall be the same size as the phase (ungrounded) conductors and be of copper."

*Section 230.41: Insulation of Service-Entrance Conductors.*

*Section 230.41:* The Exception shall be deleted in its entirety.

*230.42: Minimum Size and Rating.*

*Section 230.42(a):* At this end of this subsection, the following shall be added:

"All residential service revisions shall be a minimum 100 amp with twenty (20) circuit openings and have a main circuit breaker. The service entrance conductors must be a minimum of three (3) #3 copper wire and be installed in a minimum of not less than one and one-quarter inch (1-1/4") conduit. The panel must have 10% of spare space at final inspection.

All new single family dwelling units shall have a minimum of 200 amp service with at least forty (40) circuit openings and have a main circuit breaker. The service entrance conductors must be a minimum of three (3) 3/0 copper wires and be installed in a minimum of not less than a two inch (2") conduit. The panel must have 10% of spare space at final inspection.

*Exception:* Townhomes and apartments under 1400 square feet are allowed to have a 100 amp, twenty (20) circuit panel with main breaker.

For all industrial, commercial, and retail service entrances, must be a minimum of 100 amp with twenty-four (24) circuits with a main circuit breaker and be bolt-on type. Conductor must be a minimum of #3 copper for 100 amp; 1/0 copper for 150 amp; 3/0 copper for 200 amp; and 500 mcm copper for 400 amp. All panels are required to be bolt-on type and have 15% spare space at final inspection."

*Section 230.42(c):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"*Grounded Conductors.* The grounded conductors shall be the same size as the phase (ungrounded) conductors and be of copper."

*Section 230.43: Wiring Methods for 600 Volts, Nominal, or Less.*

*Section 230.43:* The following subsections shall be deleted: (1); (2); (5); (6); (7); (8); (9); (12); (13); (14); (15); and (16) from the list of approved wiring methods of service entrance conductors.

*Section 230.43(11):* At the end of this subsection, the following shall be added: "PVC may be used underground and must be encased in no less than four inches (4") of concrete and emerge up with rigid conduit to the termination point."

*Section 230—Section F Service Equipment - Disconnecting Means*

*Section 230.70(a):* At the end of this subsection, the following sentence shall be added: "If the distance of the service must enter the building more than eight feet (8') of conductor length, then an over current service disconnecting means must be provided at point of entrance besides the main service disconnect."

*Section 230.72(c):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"*Access to Occupants.* In all multiple occupancy buildings, each occupant shall have a main disconnect means located in the occupant's space.

*Exception:* In use Group F-1, F-2, S-1, S-2, and U (i.e. factory, industrial, storage, utility, and miscellaneous as per 1996 BOCA National Building Code Section 302) or newest adopted code. The main disconnect means may be located on the outside of the occupant's space.

*Exception:* When an office complex of Group B, as defined by 1996 BOCA National Building Code or newest adopted code, not over 200 square feet, fed from a common tenant panel in an accessible area, and under one management metered plan, all circuits in the office space must be able to be disconnected by one switch (i.e. lighting and power), except house controlled exit lighting and the switch must be located by the front door of the tenant space."

#### *VIII. Services Exceeding 600 Volts, Nominal*

Add the following statement after this Section title: "All installations of wire way systems must be listed for electrical applications, approved, and must follow Commonwealth Edison's specifications and requirements. When conflicts occur between Commonwealth Edison's specifications and requirements and this code, the stricter standard shall apply."

#### *Article 240—Overcurrent Protection*

##### *Section G—Circuit Breakers*

##### *Section 240.80: Method of Operation.*

*Section 240.80:* At the end of this Section, the following shall be added: "All panel boards, except those used in residential occupancies, must have bolt-on type breakers and must have 15% spare spaces on final inspection."

#### *Article 250—Grounding*

##### *Section C Grounding Electrode System and Grounding Electrode Conductor*

*Section 250.50:* At the end of this subsection, the following paragraph shall be added: "Grounding electrode conductors must be installed in a raceway system."

*Section 250.52(A)(7):* At the end of this subsection, the following subsection shall be added:

"(8) Where plastic underground water piping or where a building receives water by a non-conductive type well, supplemental grounding electrodes must be installed outside of the building and used as the main grounding electrode. The two (2) grounding electrodes must be installed at twice the length of the ground electrode, or a minimum of sixteen feet (16') apart."

*Section 250.66:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*"Size of Alternating—Current Grounding Electrode Conductor:* The size of the grounding electrode conductor of a grounded or ungrounded alternating current system shall not be less than given in Table 250-66, but never less than No. 4 AWG and made of copper only. The grounding electrode conductor must be installed from a direct connection on the neutral buss bar in panel board, to the street side of the incoming water service ahead of any valves or connections, and be installed in a raceway system."

*Table 250.66:* Grounding Electrode Conductor for Alternating-Current System

*Table 250.66:* Under the Headings "Size of Largest Service-Entrance Conductor or Equivalent Area for Parallel Conductors" and "Size of Grounding Electrode Conductor," delete the columns for "Aluminum or Copper-Clad Aluminum shall be deleted."

#### *Article 300—Wiring Methods*

*Section 300.4(a)(2):* Change this subsection to read as follows:

*"Notches in Wood.* No notching of any kind will be allowed for any type of wiring methods. All holes drilled must be no closer than 5/8 of one inch (5/8") from the front face of the stud."

##### *Section 300.5: Underground Installations*

*Section 300.5(c):* At the end of this subsection, the following Sentence shall be added:



"Underground cable installed under sidewalks, roadways, driveways, aprons, parking lots, alley ways, and similar areas, shall be installed through a raceway sleeve that extends beyond the end of said areas."

*Article 310—Conductors for General Wiring*

*Section 310.2(b):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*Conductor Material.* Conductors in this Article shall be of only copper.

*Exception:* Other material can be installed where governed by the Illinois Commerce Commission."

*Article 314—Outlet, Device, Pull and Junction Boxes; Conduit Bodies; Fittings; and Manholes*

*Section 314.3: Nonmetallic Boxes*

*Section 314.3:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"Nonmetallic Boxes and Conduit Bodies will only be allowed when listed for the application of its use. It is limited to installation on the outside of residential building (i.e. decks, landscaping lights, pools, spas, and receptacles remote from the structures); when installed for the purpose of floor boxes when installed in slab on grade installations; or when installed outside in ground, but only when deemed in a protected area by the Authority Having Jurisdiction."

*Section 314.4: Metal Boxes*

*Section 314.4:* At the end of this subsection, the following paragraph shall be added:

"All conduit boxes for switches and receptacles and other devices must be a minimum of four inches (4") square and not less than one and one-half inches (1-1/2") deep (1900 box).

*Exception No. 1:* For remodeling situation where the wall finish is not removed.

*Exception No. 2:* Where structural damage will occur because of the installation of the four inch (4") square box.

*Exception No. 3:* When installed in masonry, a box over fourteen cubic inches (14") may be used."

*Section 314.27 Outlet Boxes*

*Section 314.27(D):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*(D) Boxes at Ceiling-Suspended (Paddle) Fan Outlets.* All outlet boxes mounted on the ceiling more than two feet (2') from walls must be listed and installed for fan support.

*Exception:* In bath, laundry, utility, garages, unfinished basement, and in lay-in ceiling areas or smoke detectors."

*Article 320—Armored Cable: Type AC*

This entire Article shall be deleted in its entirety.

*Article 322—Flat Cable Assemblies: Type FL*

This entire Article shall be deleted in its entirety.

*Article 324—Flat Conductor Cable: Type FCC*

This entire Article shall be deleted in its entirety.

*Article 326—Integrated Gas Spacer Cable: Type IGS*

This entire Article shall be deleted in its entirety.

*Article 328—Medium Voltage Cable: Type MV*

This entire Article shall be deleted in its entirety..

*Article 330—Metal-Clad Cable: Type MC*

This entire Article shall be deleted in its entirety.

*Article 332—Mineral-Insulated, Metal-Sheathed Cable: Type MI*

This entire Article shall be deleted in its entirety.

*Article 334—Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS*

*Section 334.10:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*"Uses Permitted.* Type NM, Type NMC, and Type NMS cables shall be permitted only for the use of temporary construction sites as prescribed in Article 527."

*Article 336—Power and Control Tray Cable: Type TC*

*Section 336.10:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*"Uses Permitted.* Type TC cable will only be allowed for power, lighting, and single circuits where installed in a cable tray in an industrial establishment where the conditions of maintenance and supervision ensure that only qualified persons will service the installation.

Where the cable leaves the tray, it must be installed in a conduit system that is bonded and connected to the cable tray."

*Article 338—Service-Entrance Cable: Types SE and USE*

This entire Article shall be deleted in its entirety.

*Article 340—Underground Feeder and Branch-Circuit Cable: Type UF*

*Section 340.10:* This Section is deleted in its entirety and a new Section is added to read as follows:

*"(a) Uses Permitted.* Type UF cable shall be permitted for use only for ground lighting in a residential dwelling (see Section 300.5)".

*FPN:* See Section 310.10 for temperature limitation of conductors.

*Article 348—Flexible Metal Conduit*

*Section 348.10:* Uses Permitted.

*Section 348.10:* At the end of this Section, the following language shall be added:

"Flexible metallic conduit may be used in remodeling situations where the wall finish is not removed, and/or, where the installation of EMT is not feasible, and must have a grounding conductor installed in all lengths (regardless). The determination must be made by the Building Department. When flex is used, no more than twenty-four inches (24") may be exposed before termination or change over (i.e. when fishing down a wall, in cabinet work, etc.)."

*Section 348.12.* Uses Not Permitted.

*Section 348.12:* At the end of this subsection, the following subsection and language shall be added:

"(8) Flexible metal conduit shall not be used in lengths exceeding six feet (6'), or in a daisy chain installation.

*Exception:* When alterations are made to the electrical system and the wall finish is not removed, flexible metal conduit may be allowed to exceed six feet (6') in length and must have a green grounding conductor installed with the supply conductors and connects to the fixture or appliance to the metal raceway system."

*Section 348.60. Grounding and Bonding*

*Section 348.60:* This Section is deleted in its entirety and a new Section is added to read as follows:

*"Grounding.* All flexible metal conduit shall have a grounding conductor installed, no matter what length. Where an equipment bonding jumper is required around flexible metal conduit, it shall be installed in accordance with Section 250.102."

*Article 350—Liquidtight Flexible Metal Conduit*

*Section 350.10:* Use Permitted

*Section 350.10(3):* At the end of this subsection, the following subsection shall be added:

"Lengths over six foot (6') are not allowed. All liquidtight flexible metal conduit must have a green grounding conductor installed."

*Article 352—Rigid Nonmetallic Conduit (RNC)*

*Section 352.10:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

*Uses Permitted.* Listed rigid nonmetallic conduit shall be permitted under the following conditions:

- (a) Inside of a structure when installed "beneath" a four-inch (4") thick concrete slab. Where emerging through concrete, R.N.C. must change over to IMC or RMC.
- (b) R.N.C. shall be the only method use for under slab wiring methods and must emerge through the concrete floor, where corrosive soils are present.
- (c) In cinder fill.
- (d) Underground installation outside of structures may be used only when Article 300 Table 5 is followed, and may not extend more than sixteen inches (16") above grade, if deemed a protected area by the Building Department, and special permission is obtained. If not, PVC must be changed over to IMC (intermediate metal conduit), or RMC (rigid metallic conduit), when emerging above grade level
- (e) All panels must be marked with a placard informing of PVC installation.
- (f) And as part of the wiring system as permitted in Section 314.3 of this ordinance.

*Exception:* R.N.C. shall not be used when poured into concrete, pole bases, sign bases, concrete pads, etc. R.N.C. must be changed

over to IMC or RMC, and may not emerge above grade if used for services or panel."

*Article 354—Nonmetallic Underground Conduit with Conductors: Type NUCC*

This entire Article shall be deleted in its entirety.

*Section 354.10: Uses Permitted*

*Section 354.10(2):* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"A sleeve must be used when used for pole bases, sign bases, or anytime a permanent structure outside of the building may be fed by this wiring method."

*Article 356—Liquidtight Flexible Nonmetallic Conduit: Type LFNC*

This entire Article shall be deleted in its entirety.

*Article 358—Electrical Metallic Tubing (EMT)*

*Section 358.10: Uses Permitted.*

*Section 358.10:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"Corrosion Protection. Electrical metallic tubing and its listed fittings shall be permitted to be installed in concrete, when installed above basement or grade, and must have a grounding conductor installed."

*Section 358.12: Uses Not Permitted.*

*Section 350.12(6)* At the end of this subsection, the following subsections shall be added:

- "(7) Where it is in direct contact with weather.
- (8) When exposed to moisture, must follow other sections of the code and is considered a wet location - Section 300-6, Protection Against Corrosion; Section 370-15, Damp, Wet, Hazardous Locations. If not, EMT shall not be used."

*Article 360—Flexible Metal Tubing*

This Article is deleted in its entirety and the following shall be added to read as follows:

"The provisions of Article 348 are hereby adopted and incorporated herein, as if fully set forth in this Article."

*Article 362—Electrical Nonmetallic Tubing*

*Section 362.10:* This Section is deleted in its entirety and a new Section is added to read as follows:

"*Uses Permitted.* The use of electrical non-metallic tubing and fittings shall only be permitted for light carrying fiber optic branch lines; computer, phone or speaker wiring."

*Article 378—Nonmetallic Wireways*

This entire Article shall be deleted in its entirety.

*Article 382—Nonmetallic Extensions*

This entire Article shall be deleted in its entirety.

*Article 386—Surface Metal Raceways*

*Section 386.12:* At the end of this subsection, the following paragraph is added to read as follows:

"(13) The following types and sizes of surface metal raceway are not permitted: 200, 1500, 2000, and 2600."

*Article 388—Surface Nonmetallic Raceways*

This entire Article shall be deleted in its entirety.

*Article 392—Cable Trays*

*Section 392.3:* This Section is deleted in its entirety and a new Section is added to read as follows:

"*Uses Permitted.* Cable trays shall only be permitted for the use as a support system for data, phone, and computer systems, if not used in industrial establishments under supervised maintenance conditions."

*Article 394—Concealed Knob-and-Tube Wiring*

This entire Article shall be deleted in its entirety.

*Article 396—Messenger Supported Wiring*

*Section 396.10:* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"*In Temporary Construction Services.* Messenger supported wiring shall only be permitted for temporary construction services where conditions of maintenance and supervision ensure that only qualified persons will service the installed messenger supported wiring."

*Article 398—Open Wiring on Insulators*

This entire Article shall be deleted in its entirety.

*Article 400—Flexible Cords and Cables*

*Section 400.8:* Uses Not Permitted.

*Section 400.8:* At the end of this Section, add the following:

"Flexible cords exceeding six feet (6') in length must receive the approval of the Building Department. All flexible cords must be equipped with a grounding conductor, and installed with an approved cord grip, strain relief, and have only one terminal point (cord cap)."

*Article 408—Switchboards and Panelboards*

*Section 408.1: Scope*

*Section 408.1:* At the end of this subsection, the following subsection shall be added:

"(3)All switchboards, panel boards, and distribution boards for all industrial, commercial, and retail establishments must be of the bolt-on type and have a main breaker installed, unless only six (6) switches are installed for power."

*Article 410—Lighting Fixtures, Lampholders, Lamps, and Receptacles*

*410.4: Luminaires (Fixtures) in Specific Locations.*

*Section 410.4(d)*: At the end of this subsection, the following subsection shall be added:

"(e)*Sinks*. There shall be a lighting fixture installed directly over every kitchen sink in a dwelling unit. It must be of the recessed type, or surface-mounted fixture with enclosed bulbs."

*Section 410.8*: This Section is deleted in its entirety and a new Section is added to read as follows:

"Luminaires (Fixtures) in Clothes Closets.

- (a) All closets, pantries, and storage areas over eight (8) square feet shall have lighting installed and located for adequate illumination, per Article 410-8.
- (b) *Type of Lighting*. Lights installed in these areas shall be recessed cans or florescent fixtures with an enclosed bulb. Florescent screw-in bulbs will not be considered as an acceptable alternative."

*Section 410.29*: This Section is deleted in its entirety and a new Section is added to read as follows:

"*Cord-Connected Showcases*. No showcase shall be cord-connected unless it is listed and labeled by a nationally recognized testing laboratory (NRTL)."

*410.30*: Cord Connected Lampholders and Luminaires (Fixtures).

*Section 410.30(c)(2)*: At the end of this subsection, the following shall be added:

"This type of lighting fixture shall not be installed inside of any structures, or on any structures, if installed on more than a 20 amp circuit. Only pole lights and ground lights will be accepted."

*Article 422—Appliances*

*Section 422.10: Branch-Circuit Rating*

*Section 422.10(A)*: At the end of this subsection, the following sentence shall be added:

"Individual circuits are required for each of the following: microwaves, trash com-

pactors, dishwashers, freezers, refrigerators, furnaces, vacuum systems, window air conditioners, circulation pumps, and garbage disposals."

*Article 500—Hazardous (Classified) Locations, Classes I, II, and III, Divisions 1 and 2*

*Section 500.1 Scope—Articles 500 Through 504.*

*Section 500.1*: At the end of this Section, the following subsection shall be added:

"(A) A sign must be installed on all entries into the area and be marked with the Classification and Division, and such entry shall be marked with the highest Classification and Division existing in the area."

*Article 520—Theaters, Audience Areas, of Motion Picture and Television Studios, and Similar Locations*

*Section 520.47*: This Section is deleted in its entirety and a new Section is added to read as follows:

"*Backstage Lamps (Bare Bulbs)*. Lamps installed in backstage and ancillary areas must have covered or protected bulbs so as not to cause an accidental fire."

*Section 520.63*: This entire Section shall be deleted in its entirety.

*Article 527—Temporary Installations*

*Section 527.3: Time Constraints.*

*Section 527.3(b)*: At the end of this subsection, the following paragraph shall be added:

"Extension cords must be a minimum of 3 x 14 AWG molded cords, and be approved. The cord must be as short as possible to the point of use. All temporary power must be approved."

*Article 545—Manufactured Buildings*

This entire Article shall be deleted in its entirety.



*Article 550—Mobile Homes, Manufactured Homes, and Mobile Home Parks*

This entire Article shall be deleted in its entirety.

*Article 551—Recreational Vehicles and Recreational Vehicle Park*

This entire Article shall be deleted in its entirety.

*Article 552—Park Trailers*

This entire Article shall be deleted in its entirety.

*Article 553—Floating Buildings*

This entire Article shall be deleted in its entirety.

*Article 555—Marinas and Boatyards*

This entire Article shall be deleted in its entirety.

*Article 600—Electric Signs and Outline Lighting*

*Section 600.1:* At the end of this Section, the following sentence shall be added:

"All installations for electric signs and outline lighting shall be listed and labeled by a nationally recognized testing laboratory (NRTL) and shall be an approved installation."

*Section 600.32:* Neon Secondary Circuit Conductor, Over 1000 Volts, Nominal.

*Section 600.32(a):* This section is deleted in its entirety and a new Section is added to read as follows:

"*Wiring Method.* Conductors shall only be installed in IMC, RMC, EMT, FMC, and LFMC, and be a minimum of ½ trade size; and be installed in accordance with the requirements of Chapter 3. Only one conductor shall be allowed in each conduit for high-voltage wiring systems."

*Article 604—Manufactured Wiring Systems.*

This entire Article shall be deleted in its entirety.

*Article 605—Office Furnishings (Consisting of Lighting Accessories and Wired Partitions)*

*Section 605.8:* This section is deleted in its entirety and a new Section is added to read as follows:

"*Freestanding-Type Partitions, Cord and Plug Connected.* The freestanding-type partitions shall be wired to building power, as allowed in other sections of this article. Cord and plug connected assemblies are not allowed."

*Article 680—Swimming Pools, Fountains, and Similar Installations*

*Section 680.4: Approval of Equipment.*

*Section 680.4:* At the end of this section, the following sentence shall be added:

"All equipment covered in this section shall be listed and labeled by a NRTL."

*Section 680.8:* Overhead Conductor Clearances.

*Section 680.8(A):* At the end of this subsection, the following sentence shall be added:

"No power lines may be over or within five feet (5') of the pool or horizontal to the pool."

*Section 680.21: Motors.*

*Section 680.21(B):* At the end of this subsection, the following sentence shall be added:

"All 120 v or 240v single phase motors shall be protected by ground fault and must be listed and labeled by a NRTL."

*Section 680.41: Emergency Switch for Spas and Hot Tubs.*

*Section 680.41:* The language in the last sentence of this Section which reads:

"This requirement shall not apply to single-family dwellings" is hereby deleted and the following language is hereby added: "This requirement applies to all spas and hot tubs."

*Section 680.71: Protection*

*Section 680.71:* This section is deleted in its entirety and a new Section is added to read as follows:

*"Protection.* Hydromassage bathtubs and their associated electrical components shall be protected by a GFCI, face-less in the same room, located a minimum of five feet (5') from tub, or by GFCI breaker in the service panel. All 125 volt single-phase receptacles, not exceeding 30 amperes and located within fifteen (15) feet measured horizontally from the inside wall of a hydromassage tub, shall be protected by a ground fault circuit interruptor(s)."

*Article 700—Emergency Systems*

*Section 700.16: Emergency Illumination.*

*Section 700.16:* The following language is hereby added to the end of this Section:

"Emergency lighting with battery back-up must be provided in the additional following locations: vaults, toilet rooms, electrical closets or rooms, switch gear rooms, and adjacent to the incoming electrical service. Where installed for electrical services or panel boards, it must light the face of the electrical equipment.

*Exception:* Residential

All exit lights will be updated to battery back-up regardless, unless on an emergency generator. Exit lights shall not be connected to general lighting or power circuits. However, they may share circuits serving night lights and emergency lights. Breakers for exits/battery light circuits shall be locked on. Battery back-up lighting must be installed to light the path of egress, even if a generator is used for emergency lighting."

*Section 700.20: Switch Requirements.*

*Section 700.20:* At the end of this section, the following shall be added: "Circuit lock-on devices must be installed on all circuits providing power to emergency lighting, exit signs, fire alarm panels, and smoke detectors."

*Article 720—Circuits and Equipment Operating at Less than 50 Volts*

*Section 720.1:* At the end of this Section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

*Exception:* Single family house.

When installed as free air, open joist, or exposed condition. The wire must be supported between every six (6) to eight (8) feet and be parallel and perpendicular to the building structure."

*Article 725—Class 1, Class 2, and Class 3 Remote-Control, Signaling, and Power-Limited Circuits*

*Section 725.1:* At the end of this Section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready

means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

*Exception:* Single family house."

*Section 725.6 Mechanical Execution of Work.*

*Section 725.6:* At the end of this Section, the following shall be added:

"Class 1 power circuits over 30 volts and Class 3 circuits must follow wiring methods of Chapter 3 of the 2002 N.E.C. and this ordinance."

*Article 727—Instrumentation Tray Cable: Type ITC*

*Section 727.1:* At the end of this Section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

*Exception:* Single family house."

*Article 760—Fire Alarm Systems*

*Section 760.1:* At the end of this Section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

All installations must follow N.F.P.A. 72 and the Gurnee Fire Department's "Exception" from said N.F.P.A. regulations.

*Exception:* Single family house."

*Section 760.6 Mechanical Execution of Work*

*Section 760.6:* At the end of this Section, the following shall be added:

"The supports shall be a maximum of eight (8) feet and be parallel and perpendicular to the structure."

*Section 760.10: Fire Alarm Circuit Identification*



Section 760.10: At the end of this Section, the following shall be added:

"All fire alarm wiring not installed in a raceway, must be red in color and be approved. All splices must be made in an approved J-box and identified. Red low-voltage cable will only be allowed for fire alarm systems."

*Article 770—Optical Fiber Cables and Raceways*

*Section 770.1:* At the end of this Section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

*Exception:* Single family house."

*Article 780—Closed-Loop and Programmed Power Distribution*

This entire Article shall be deleted in its entirety.

*Article 800—Communications Circuits*

*Section 800:* At the end of this Section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in

anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

*Exception:* Single family house."

*Section 800.6: Mechanical Execution of Work*

*Section 800.6:* At the end of this section, the following shall be added:

"The supports shall be a maximum of eight (8) feet and be parallel and perpendicular to the structure."

*Article 810—Radio and Television Equipment*

*Section 810.1:* At the end of this section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or

bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

*Exception:* Single family house."

*Article 820—Community Antenna Television and Radio Distribution Systems*

*Section 820.1:* At the end of this section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

*Exception:* Single family house."

*Article 830—Network-Powered Broadband Communications Systems*

*Section 830.1:* At the end of this section, the following shall be added:

"Cables, wiring, etc., where permitted by this Code and Amendments, installed enclosed in building partitions, walls, or in

anyway made inaccessible by building construction, shall be encased in a raceway system governed by these Amendments. Such raceway will protect the conductors during construction and provide ready means of replacement of conductors after building is complete without damaging the finish building. These raceways need to terminate in a box at the device and extended to underside of the structure, (to an accessible location) and the end of the raceway system must have a connector or bushing installed on the end. When passing through a wall, an approved sleeve must be installed and be fire-stopped.

When installed on the finished wall in a storage, warehouse, mechanical room, or similar area, a raceway system must be provided and extended to the under side of the deck out of the physical damage area.

*Exception:* Single family house."

(Ord. No. 2003-76, § I, 10-13-2003)

**Sec. 18-135. Special requirements for structures in the village.**

(a) *Read-o-Matic (R.O.M.)*. In commercial and residential buildings, a conduit shall be provided for the R.O.M. from the water meter to an approved, unobstructed location on the outside wall of the structure.

(b) *Fine print note (FPN)*. All FPN's of the National Electrical Code will be enforced as part of this article.

(c) *Exposed wiring*. All exposed electrical, data, phone, security, fire, etc. wiring, must be installed in a work-like manner. This means parallel and perpendicular to the building structure and supported a maximum of eight feet.

(d) *Smoke detectors (residential)*. In addition to other applicable codes, smoke detectors shall be placed in furnace rooms, or in the area of the furnace and in all bedrooms. This detector must be 110-volt with battery back-up and be interconnected with all other detectors.

(e) *Voltage drop.* There shall be no more than a five percent voltage drop in any electrical wiring system. This also includes street lighting and parking lot lighting.

(f) *Street lighting.* Any repairs done to the village's street lighting/wiring system, must be done to the requirements of the village's standards and must be inspected. In-ground splicing will only be allowed by written form, or an approved hand hole must be used for splicing of wire. All hard surface entries over easements must have street lighting sleeves installed under the hard surface and be capped off for future use (two inches or larger).

(g) *Future wiring.* One empty three-quarter inches raceway system must be installed from the basement to the attic in an accessible area.

(h) *Outside inground wiring.* All outside inground wiring junction boxes that are installed near where traffic could come in contact (drive over) must be installed in a grade level hand hole.

(i) *Sleeping rooms.* All sleeping rooms must have a 110 volt, battery back-up, interconnected smoke detector located inside each sleeping room and outside of the sleeping room, within 15 feet of entrance to said sleeping room.

(j) All residential dwellings must have one 110 volt battery back-up interconnected CO (carbon monoxide) detector located in the basement (if applicable) and on each level, except the attic. Combination CO/Smoke detectors are permitted. (Ord. No. 2003-76, § I, 10-13-2003; Ord. No. 2003-79, § I, 10-20-2003)

**Sec. 18-136. Explanation of building and regulation requirements.**

(a) *Electrical permits.*

(1) *Permits.*

a. All persons, firms, companies, or corporations shall before beginning any installation, alteration, or change of electrical, communication, data, and alarm wiring/equipment in the village, must obtain a permit for such work from the building department.

b. The Illinois electrical contractor must be registered in the Village of Gurnee and hold the proper insurance per the requirements of this article.

c. Where a registered electrical contractor is found doing work without a permit, the building department shall cite the contractor, who shall be subject to the penalties provided in this article. The contractor may request a hearing before the electrical commission to appeal the decision or the penalties prescribed by the building department. Said hearing shall be conducted within a reasonable time.

d. Members of the electrical commission in a hearing shall determine whether a contractor is guilty of a violation of, or noncompliance with, this ordinance, and upon a finding of guilty, determine whether the penalty prescribed by the building department is reasonable, pursuant to this ordinance. All action taken by the electrical commission will be placed in the contractor's file and will be kept for a period of at least five years. Any decision or action of the electrical commission is reviewable by a court of proper jurisdiction pursuant to 735 ILCS 5/3-101 et seq.

e. Permits for the installation, alteration, or change of electrical, communication, data, and alarm wiring/equipment shall be issued upon receipt of an application and review of the building department. Such permit will be made out on a printed form to be furnished by the building department.

(2) *Permit cards.* Permit cards shall be posted in plain view inside the building, near the entrance, or near the electrical service. Permits for electrical, communication, data, or alarm work shall be valid for a period of six months from date of issue. Electrical work listed on other permits shall be valid

for the length of that permit, and no refunds shall be made once work has been started.

(3) *Permit and inspection fees.*

- a. Fees for electrical work shall be those fees as provided for in the current fee schedule as adopted by the village. Where no permit fees are in the current fee schedule, then the minimum fee shall be the greater of five percent of the total cost of the job or \$50.00.
- b. For work that has been started without first obtaining a permit, the permit fees shall then be ten times the normal fee and the firm doing the work may be cited for violation of this article as provided herein.

(4) *Remodeling or reconstruction.* If 40 percent of any structure is being remodeled, reconstructed, added to, and said remodeling, reconstruction, or addition requires the issuance of a permit, said structure must be brought-up to the current codes. Disputes regarding what percentage of structure is being remodeled or reconstructed shall be resolved as any other appeal to the electrical commission.

(5) *Service change or upgrade.* If any part of the service is altered, the service must be upgraded in its entirety per the latest code and this article.

(b) *Inspections.*

(1) *Inspections required:*

- a. *Service inspection:* Before power to service may be energized, a service inspection shall be performed. When said inspection is performed and meets said code as prescribed by this ordinance, a green "Pass" sticker will be placed on the incoming service, which gives the power company the right to energize said service.
- b. *Transformer inspection:* Before any private transformer (not CE's) may be left on for power, whether step up

or step down, an inspection must be performed to ensure provisions of this ordinance are followed. After said inspection a green "Pass" sticker will be placed on transformer and may be energized. If alterations of 25 percent are made on electrical systems having transformers installed, a transformer inspection may be required by the building inspector, and then a sticker will be placed on said transformer.

- c. *Rough-in inspection:* All installations or alterations to the electrical, communication, data, and alarm system/equipment must receive an approved inspection from the building department prior to work being concealed. The contractor shall notify the building department no less than a 24 hours in advance of the required inspection. No wire shall be installed in piping systems until after the walls and ceiling are finished (rocked). Written permission from the building department may be acquired to proceed with wire installation before wall finish.
- d. *Conductor fill inspection:* After branch circuit wiring is installed in the piping system and before devices are installed, there shall be an inspection made. If any violations are found, they must be corrected before work may continue.
- e. *Open ceiling inspection:* All installations or alterations to the electrical, communication, data, and alarm systems/equipment, must receive an approved inspection from the building department prior to the work being concealed. The contractor shall notify the building department for the required inspection.
- f. *Final inspection:* A final inspection is required upon completion of the permitted work. The electrical contractor must receive a final approved inspection by the building depart-



- ment. The contractor shall notify the building department no less than 24 hours in advance of the required inspection. Said contractor shall have a representative of said company at final inspection with proper devices to completely inspect all work that was performed on request of the building department.
- g. *Reinspection:* There shall be a reinspection fee of \$50.00 for all inspections made after the first required inspection. After each additional reinspection of the required inspection, the fee will double (i.e. \$50.00, \$100.00, \$200.00, etc.). The reinspection fee must be paid prior to any reinspections being scheduled. If installation of work is not conforming to this Code and article in a timely fashion after a reinspection is performed and still is not in compliance, the person, firm, company or corporation committing the violation or failing to comply shall be subject to the penalties provided by this article.
- h. *Certificate of occupancy:* A certificate of occupancy will not be issued for a building or structure if the electrical, communication, data, or alarm installations and equipment are not in compliance with the Code and article.
- i. *Periodic inspections:* The building inspector may periodically make inspections of existing electrical, communication, data, and alarm systems/equipment, within the village. If said systems or part of systems are found to be unsafe, or in a state of disrepair, the building inspector will, in writing, request from the person, firm, or corporation responsible for said system, to correct said system in a reasonable amount of time. Any such person, firm, or corporation that fails to correct said problem shall be subject to the penalties provided in this article. The 2000 Edition of NFPA 73 is hereby adopted for any and all inspections of existing electrical, communications, data, and alarm system equipment.
- (c) *Inspectors.*
- (1) *Authority of the building inspectors.* The inspectors are hereby empowered to fine, to issue a stop work order, or to order the discontinuance of any electrical service which serves any wire, equipment, or devices which are deemed hazardous to life, safety, or any situation which may be found to be an electrical shock hazard, provided that every decision of the inspectors are subject to appeal as provided in this article.
- (2) *Appeals.* Any person, firm, company, or corporation may appeal the decision, interpretation, or findings made by the building inspector to the electrical commission as established by the village. The procedures to be followed shall be those set forth in 735 ILCS 5/3-101 et seq. The building department may order that all or any part of work performed be redone, subject to an appeal for a hearing before the electrical commission. Appeals of the stop work order, order of discontinuance, or fines/penalties shall be made in writing to the village administrator or his/her designee.
- (3) *Duties of inspectors.* Such inspector shall be charged with the duties of enforcing the provisions, rules and regulations, fixing standards, and specifications for the regulation and use for electrical equipment as defined in the ordinance and prescribed in any other ordinances of the village. He/she shall be subordinate and responsible to the village administrator or his/her designee, who shall have the administrative authority under this article.
- (4) *Chief electrical inspector.* The position designated by the village administrator or his/her designee, which shall be known as the electrical inspector and who shall be

appointed in the same manner as other village employees by the president and the board of trustees.

- (5) *Building inspectors.* The position designated by the village administrator or his/her designee, which shall have the authority to perform all the duties of the electrical inspector as prescribed in this article, and trained by the chief electrical inspector and/or by registered update classes.

(d) *Electric commission.*

- (1) *Electrical commission.* The commission is hereby created and governed by the Illinois Municipal Code (65 ILCS). The Electrical Commission of the Village of Gurnee shall consist of five members, plus the chief electrical inspector. The five members shall consist of a representative of the following: electrical power company, electrical contractor, journeyman electrician, Village of Gurnee Fire Protection Service, and electrical engineer. The chief electrical inspector shall also serve as ex-officio chairman of such commission. All members of the commission must and shall be appointed by the village president and with the consent of the village board of trustees. Such members serve at the pleasure of the village president for a term not to exceed the term of the appointing village president.

- (2) *Duties of the electrical commission:* Said commission shall be and is hereby charged with the duties of recommending safe and practical standards and specifications for installing, altering, and use of electrical, communication, data, and alarm wiring, equipment, and installation of said systems to meet the necessities and conditions that prevail in the Village of Gurnee. The commission may, from time to time, as needed or when occasion demands, as the interest of the public requires, recommend such changes in the standards and specifications as they may unanimously agree are necessary. If any changes are made to any of the provisions set forth in this article, a copy of said changes shall be

filed in the office of the village clerk and the building department for a period of 30 days for review. Such recommendations made by the electrical commission are subject to the approval by the village board of trustees.

(e) *Liability.* The inspection and control of the installation of electrical, communication, data, and alarm wiring and equipment, or the granting of inspection certificates by the building department, shall not render the village liable on account of such inspections, control of granting of such inspection, or lessen the liability of persons, firms, or corporations owning or installing of said equipment and wiring.

(f) *Registration.*

- (1) *Insurance requirements.* All electrical contractor applicants shall provide a certificate of insurance with the village named as the certificate holder, indicating a compressive general liability policy with minimum bodily injury limits of \$300,000.00/\$500,000.00 and property damage of \$300,000.00/\$500,000.00. The electrical contractor applicant shall also provide proof of workman's compensation coverage as required by the State of Illinois.

- (2) *[State of] Illinois Electrical Contractor.* As herein defined, electrical contractors that furnish the building department with bonafide proof of their current electrical contractor's license and said copy of such registration shall remain on file in the building department for one year. The only electrical contractor registration that will be accepted will be a registration from an Illinois municipality that follows and complies with requirements substantially similar to those found in this article, and that tests and registers contractors in the same manner as this article.

- (3) *Electrical contractor registration.* Any person, firm, or corporation engaged in the business of electrical contracting as herein defined in this article shall register by examination with the building department, in a manner hereinafter set forth in this article. However, if such person, firm,

or corporation has already registered for the current year in an area under the jurisdiction of another governmental body that provides for substantially similar requirements to the village, such as another city, village, or county within the State of Illinois, such electrical contractor shall not be required to pay a registration fee for the village, but shall tender proof of certification and proof of insurance, and four hours of update classes, per fiscal year. It is provided further, that the minimum qualification imposed by other licensing governing body authority, which will be recognized for purposes of the foregoing reciprocity under this article, shall be composed substantially of the provisions contained herein, as well as an examination prior to licensing equal or superior to the comprehensiveness of the examination required by the village.

(4) *Examination.*

- a. Application for electrical contractor certification of registration shall be made in writing to the building department, or Northeast Suburban Division of Electrical Inspectors, stating the name and place of business of the applicant, the name of the principal of the firm who will be responsible for the work, and who will be taking the examination in the name of the firm involved. Such application shall be accompanied by a notarized affidavit stating to the effect that the applicant or his/her/their representative has had a minimum of five years of practical experience in the installation, alteration, and/or repair of electrical wiring, equipment, and apparatus, or an experience equivalent thereto.
- b. Before an electrical contractor's certificate of registration shall be issued to the applicant, following reasonable advance notice, he/she shall present himself/herself for examination before the village, or the Northeast Suburban Division of Electrical

Inspectors at a time and place set by these associations. Said Northeast Suburban Division of Electrical Inspectors, or Village of Gurnee, shall examine such applicant as to his/her practical knowledge of the installation and alteration of electrical wiring, equipment, and his/her knowledge of the rules and regulations for the installation of electrical wiring devices and equipment as set forth in the State Statutes of Illinois, the National Electrical Code, and filed here with and incorporated hereby. Such examination shall be in whole or part, in writing and shall be of practical character as shall be determined by the inspector, but sufficiently strict to thoroughly test the experience and qualifications of the applicant. No certificate of registration shall issue to any electrical contractor who fails to achieve a minimum passing grade of 70 percent on said examination.

- c. The written portion of the examination will be received from a testing agency and graded by said corporation as designated by the Village of Gurnee's Building Department.

- (5) *Renewal fee for electrical contractor licenses.* Initial registration will be for a period of one year. Thereafter, each renewal will be on a one year cycle. As a prerequisite for renewal, each contractor will be required to provide proof of continuing education in the electrical field for a minimum of four contact hours, or will be required to take a renewal test prepared by the Northwestern Suburban Division of Electrical Inspectors, if available, based on code changes in the most recent N.E.C. (NFPA-70). This requirement will demonstrate continuing competency in the electrical trade.

The fee for registration as an electrical contractor shall be \$75.00 per annum, which sum shall be paid by the applicant to the village. The certificate of registra-

tion issued thereunder shall expire on the 30th; day of April. Each contractor must show for reregistration that he/she has received at least one Code update class by a registered firm for each new Code period, or four contact hours. This requirement must be met within one year after the newest Code is published. Any license held by an electrical contractor who fails this requirement shall be suspended until the requirement is met.

(6) *Electrical contractor registration shall not be loaned or assigned.* Registrations issued by the village shall not be loaned, rented, assigned, or transferred. Each and every registration may, after hearing, be suspended or revoked by the electrical commission upon failure or refusal of the electrical contractor to comply with the rules and regulations of the village and the provisions of this article.

(7) *Specialty registration.* A specialty registration shall be required of persons engaged in heating, air conditioning, sign installations, maintenance electrical work, and homeowner electrical work as follows:

a. *Heating and air conditioning contractors:* Shall be subject to a specialty registration which restricts their work to the installation of circuits required for the operations of their equipment only in a residential application. This special type of registration only permits the installation of gas-fired furnaces and applicable equipment and condensing units for residential applications. In no case, shall this type of registration give the right to install electric in an industrial, commercial, retail, or hazardous area. A test prepared by the building department will be required for all persons that will wire the units. This test will be good for a one year period, and will have to be taken each year. The year is from May 1st to April 30th.

b. *Sign contractors:* Shall be subject to a specialty type of registration and permit which restricts their work to the installation of circuits required for their operation of their equipment only. In no case shall this specialty registration permit the installation of circuits in excess of 20 amps, single phase; or longer than 30 feet; or any circuits in industrial or hazardous areas.

c. *Maintenance electricians:* Shall be subject to a specialty type registration and permit which restricts their work to the replacement of parts of the machinery. If the machinery must be moved, altered, or power requirements change, than an Illinois electrical contractor must be employed and permits must be taken to meet the means of the work.

d. *Owner/occupants:* Shall be subject to a specialty type registration which restricts their work to their own single-family dwelling, who may perform electrical work in conformance with this ordinance. An owner/occupant is limited to working on additions of 500 square feet or less, or accessory buildings on their own property. An owner/occupant is defined as the owner and occupant of a single-family residential dwelling, who may be qualified in accordance with the following paragraph:

(i) Every applicant shall submit proof of his/her experience in the installation and/or repair of electrical lighting and power wiring and equipment. Every applicant shall be required to answer a reasonable number of questions to show that he/she has sufficient knowledge and technical training to perform the installation, alterations, repair, and maintenance of electrical wiring and equipment of residential occupancy autho-



alized by permits approved by the building department. Applicants may be required to answer questions in the form of a written test, and pass said examination to the satisfaction of the building inspector.

- (ii) All owner/occupants that do their own wiring shall reside in said premises for no less than one year after completion of work.
- (iii) Plans submitted for permit must show: number of outlets, number of outlets on each circuit, size of wire used, type of wire, type and size of breaker that will be used, and grounding methods and materials to be used.

(g) *Penalty.* Any person, firm, company, or corporation who shall violate any of the provisions of this article, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder within the time duly fixed for compliance shall severally for each and every violation and act of noncompliance respectively, shall be fined not less than \$250.00 and not more than \$750.00, and the permit or registration of the contractor may be suspended for not more than one year. Each day during which any violation or noncompliance continues shall constitute a separate offense. Further, the building department may issue an order to stop any further work upon the building or property where such noncompliance or violation is occurring, order the closure of the building or property where such noncompliance or violation is occurring, until said noncompliance or violation is mitigated to the satisfaction of the building department. Decisions of the building department are subject to appeal as provided in this article.

(Ord. No. 2003-76, § I, 10-13-2003)

**Secs. 18-137—18-160. Reserved.**

## **ARTICLE VI. MECHANICAL CODE\***

### **Sec. 18-161. Adoption.**

The regulations, conditions, definitions, and stipulations concerning the design, construction, quality of materials, erection, installation, alterations, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, as set forth in the 2012 International Mechanical Code, with modifications and supplements set forth in section 18-162, are hereby adopted and made applicable, subject to exceptions made in this article, to all existing or proposed mechanical installations, within the corporate limits of the village. The following chapters, and each section and subsection of each such chapter, are not hereby adopted and shall not be applicable in the village:

Appendix Chapter B. Recommended Permit Fee Schedule  
(Ord. No. 2012-32, § 1, 4-16-2012)

### **Sec. 18-162. Modifications, supplements and exceptions.**

The following sections of the 2012 International Mechanical Code, are revised as follows:

#### **CHAPTER 1 ADMINISTRATION**

##### **SECTION 101 GENERAL**

*Subsection 101.1 Title.* Where the [NAME OF JURISDICTION] appears, delete and insert "Village of Gurnee."

##### **SECTION 106 PERMITS**

*Subsection 106.5.2 Fee schedule.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"The fees for mechanical installations/replacement shall be as indicated in Ordinance 2004-53 of the Village of Gurnee."

\***Editor's note**—Ord. No. 2012-32, § 1, adopted April 16, 2012, deleted article VI in its entirety and enacted new provisions to read as herein set out. Former article VI pertained to similar subject matter and derived from Ord. No. 2005-23, §§ I, II, adopted April 18, 2005.

*Subsection 106.5.3 Fee refunds.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"The applicant is entitled to a refund of 80 percent of the collected construction fee provided no work for which the permit was issued has been preformed, no inspection has been made, or the permit has not expired. No refund of the plan review fee will be allowed."

**SECTION 108 VIOLATIONS**

*Subsection 108.4 Violation penalties.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"Persons who shall violate provisions of this code shall be punished as provided in section 18-163."

**CHAPTER 3 GENERAL REGULATIONS**

**SECTION 301 GENERAL**

*Subsection 301.2 Energy utilization.* Amend the last sentence by substituting the State of Illinois Energy Code for the "International Energy Conservation Code."

*Subsection 301.6 Fuel gas appliances and equipment.* Replace International Fuel Gas Code with "Gurnee Fuel Gas Code."

*Subsection 301.10 Electrical.* Replace reference to the ICC Electric Code with "Gurnee Electric Code."

*Subsection 301.11 Plumbing Connections.* Replace reference to the ICC Plumbing Code with "Gurnee Plumbing Code."

*Subsection 301.15 Wind resistance.* Replace reference to the International Building Code in this section and any other locations with "Gurnee Building Code."

**CHAPTER 6 DUCT SYSTEMS**

**SECTION 602 PLENUMS**

*Subsection 602.3 Stud cavity and joist space plenums.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"Panning of joist spaces, stud spaces, rafter spaces, or concealed spaces is prohibited."

**SECTION 603 DUCT CONSTRUCTION AND INSTALLATION**

*Subsection 603.5 Nonmetallic ducts.* At the end of this subsection, add the following sentence:

"The use of rigid fiberglass duct shall be prohibited."

*Subsection 603.5.1 Gypsum ducts.* At the end of this subsection, add the following sentence:

"Building Official's approval must be obtained for this use."

**CHAPTER 9 SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT**

**SECTION 929 UN-VENTED ROOM HEATERS**

At the end of section 928 Evaporative Cooling Equipment, the following section shall be added:

**"SECTION 926 UN-VENTED ROOM HEATERS**

Un-vented room heaters are prohibited in any habitable rooms or spaces occupied by humans."

(Ord. No. 2012-32, § 1, 4-16-2012)

**Sec. 18-163. Penalties.**

(a) In each section of the International Mechanical Code - 2012 Edition in which a fine or violation thereof is specified, the same is hereby superseded by the penalty provisions hereinafter set forth, which penalty provisions are hereby substituted so as to cover any and all violations of this article or of any provisions of said International Mechanical Code - 2012 Edition adopted there under.

(b) Any person who shall violate any provision hereof or any provisions of the International Mechanical Code - 2012 Edition hereby adopted or shall fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply

with such an order as may be affirmed or modified on appeal or by court of competent jurisdiction, within the time duly fixed for compliance, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750.00 and when not otherwise specified, each day during which any prohibited condition continues shall constitute a separate offense.

(c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.  
(Ord. No. 2012-32, § 4, 4-16-2012)

**Secs. 18-164—18-190. Reserved.**

## ARTICLE VII. PLUMBING CODE\*

### Sec. 18-191. Adoption.

The regulations, conditions, definitions, and stipulations concerning the construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the village; providing for the issuance of permits and collection of fees therefore; as set forth in the State of Illinois Plumbing Code, December 1998 Edition, are hereby adopted and make applicable, subject to the modifications, supplements and exceptions set out in this article.  
(Ord. No. 2000-8, § 2, 1-24-2000)

### Sec. 18-192. Modifications, supplements, and exceptions.

The following sections of the State of Illinois Plumbing Code, December 1998 edition, are revised as follows:

#### *Section 890.110 General Regulations*

890.110(b): At the end of this subsection, add the following:

- 3) Permits. Before any plumbing installation commences, the plumbing contractor shall make a permit application and proceed with the work after such permit is issued.

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\*Cross reference—Utilities, ch. 82.

- 4) Permits are required and shall be obtained for any of the following: all new installations; remodeling; fixture relocation; and alterations to any part of the plumbing system (included are: water heating and air conditioning equipment; flood control and pumping systems; irrigation systems; all backflow preventers; swimming pool/spa; fountains and decorative pool installations; and sewer and water services - new or replacement).

#### *Section 890.120 Definitions*

890.120: For this section, add and replace as follows:

*Add:* "Administrative authority": The administrative authority is the individual official, board, department, or agency established and authorized by the village, or other political subdivision created by law to administer and enforce the provisions of the plumbing code as adopted or amended.

*Add:* "Acid waste": Liquid waste containing acids that must be neutralized before further transportation or treatment can take place.

*Add:* "Adjacent": Same as abutting.

*Add:* "Air chamber": A pipe/cap assembly to absorb hydraulic shock.

*Replace With:* "Air gap": An air gap shall be provided on waste piping connections requiring backflow protection. See Indirect Waste.

*Add:* "Anchors": A reliable, rigid support for securing pipe, fixtures, and equipment to walls, ceilings, floors, or any other structural members. See Supports.

*Add:* "Angle of repose": The greatest angle above the horizontal plane at which material will lie without sliding.

*Add:* "Anti-scald shower valves": Shall be designed to prevent hot water entering cold water lines. See Press Balancing Valves, Tempering Valves.

*Anti-siphon ball cock:* To the end of the definition add the following: Anti-siphon ball cock or other reservoirs.

*Add:* "Apprentice plumber": A person properly registered by the state, engaged in new plumbing installations, repairs, or remodeling. See Illinois Plumbing License Law.

*Add:* "Appurtenance": A device which is an adjunct to the pipes, fixtures, and appliances of a plumbing system, which adds no additional requirement or load to the system and which contributes to the maintenance, servicing, or safety of the system, such as a backwater valve.

*Replace With:* "Back pressure": Back pressure is an opposing pressure which causes or tends to cause liquid or air to flow in the direction opposite of the normal direction of flow in a closed conduit.

*Add:* "Backflow preventer with intermediate atmospheric vent (IAV)": A small back pressure and back-siphonage backflow preventer designed to operate under continuous pressure, including back pressure.

*Add:* "Baffle": A device used to deflect or regulate the flow of air, air-gas mixtures, flue gases or liquids, and grease trap retention.

*Ball cock:* To the end of the definition add the following: See anti-siphon ball cock.

*Replace With:* "Battery of fixtures": A battery of fixtures is any group of two or more similar adjacent fixtures.

*Add:* "Booster water heaters": A heater that increases the temperature of hot water (i.e., for final rinse supply of commercial dish washers).

*Add:* "Bronze fittings and valves": Used in potable and DWV systems, shall be of lead-free construction.

*Add:* "British thermal unit (BTU):" The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

*Add:* "Building": A building is a structure built, erected, and framed in component structural parts designed for the housing, work, recreation, shelter, enclosure, or support of persons, animals, or property of any kind.

*Add:* "Building storm sewer": a sewer which is used for conveying rain water, surface water, ground water, subsurface water, site drainage,

condensate, cooling water, or other similar liquid waste (excluding sewage) from the building storm drain to the storm sewer or other approved point of discharge.

*Replace With:* "Building trap": Not permitted for use in Gurnee, Illinois.

*Add:* "By pass": A piping arrangement around an appurtenance, (i.e. water meter, P.R.V., etc.).

*Add:* "Certified tester": A person qualified to make inspections, test, and repair cross connection control devices; and who has his competency to the applicable regulatory agency(s). This is required by the Illinois Environmental Protection Agency within 35 111. Adm. Code 608.

*Add:* "Check valve": An appurtenance to prevent backflow in piping systems, vertically or horizontal.

*Add:* "Chemical wastes": Chemical wastes are free from sanitary waste. They can be derived from industrial processes, laboratories, schools, photo labs, etc. Disposal of such wastes to be approved by the administrative authority.

*Add:* "Chlorination": 1. To treat or cause to combine with chlorine or chlorine compounds. 2. To apply chlorine (to water or sewage) for purposes of sterilization, oxidation of organic matter, or retardation of putrefaction.

*Replace With:* "Circuit Vent": See Section 890.1520.

*Add:* "Circulating pipe": A pipe that is used to maintain a desired temperature at its point of use on heated water systems, to prevent stagnation of areas in piping dead ended, (i.e. domestic supplied fire suppression systems).

*Add:* "Clean outs": An accessible opening placed in a drainage line to provide a convenient place for inserting cleaning equipment to remove blockages.

*Closed water system:* To the end of the definition add the following: See Thermal Expansion.

*Add:* "Cock": A valve used as a means of controlling the rate of flow passing through it.

*Add:* "Color coding": Nonpotable pressure piping shall be painted/identified as such.

*Replace With:* "Combination waste and vent system": A combination waste and vent system is a system of waste piping embodying the horizontal wet venting of one or more floor drains by means of a common waste and vent pipe ade-

quately sized to provide free movement of air above the flow line of the drain. Not permitted, see Section 890.1590.

*Add:* "Combustion": The act or process of burning.

*Add:* "Common waste": A common waste is a drain from a fixture containing multiple compartments connected to a single trap.

*Add:* "Compression fittings": Shall be installed in only readily accessible areas. Shall not be used for volatile gases.

*Add:* "Conductors": A pipe inside the building which conveys stormwater or liquids from the roof to a storm drain or sewer. See "Downspout" or "Leader."

*Add:* "Contaminate": To render water unfit for use by the introduction of an undesirable substance.

*Add:* "Contractor": A person or firm licensed, bonded, and insured, engaged in plumbing work. See "Plumbing Contractor."

*Add:* "Corporation cock": A valve installed in a water main to which a building supply (service) pipe is connected.

*Add:* "Corrosion": The gradual deterioration or destruction of a substance or material by chemical or electro-chemical action.

*Add:* "Corrosion control": 1. In water connection, the prevention of the discharge of the metallic ions of a conduit from going into solution by increasing the pH value of the water, removing the free oxygen from the water, and controlling the carbonate balance, 2. The sequestration of metallic ions and the formation of protective films on metal surfaces by chemical treatment.

*Add:* "Crown weir": The highest part of the inside portion of the bottom surface at the crown of a trap.

*Add:* "Curb box": A device, usually consisting of a long piece of pipe or tube-like casing placed over a curb cock, through which a key is inserted to permit the operation of the curb cock.



*Add:* "Curb cock": A valve placed in water service pipe, usually at a point near the street curb.

*Add:* "DCV": Double check valve.

*Add:* "Demineralization": The removal of water of those dissolved mineral constituents which cause it to be unsatisfactory for domestic or industrial use.

*Add:* "Disinfection": A process of destroying disease germs or other harmful microorganisms (but not ordinary bacteria spores) by means of an agent that frees from infection, usually a chemical agent.

*Add:* "Downspout": Downspout is the vertical portion of a rain water pipe. A pipe leading downward; a pipe to carry off rain water from a roof. See "Leader;" "Conductors."

*Add:* "Drain tile": Subsurface drainage of ground waters surrounding areas of building requiring protection. The drainage may be elevated by a sump pump, or gravity to suitable disposal as per Village of Gurnee Engineering Department requirements.

*Add:* "Dry vent": A vent that serves portions of a plumbing system that does not carry water or waterborne wastes.

*Add:* "Dual Vent": See "Common Vent."

*Add:* "Durham system": Durham system is a soil or waste system where all piping is of threaded pipe, using recessed drainage fittings.

*Add:* "Ejector pits and pumps": A pit and pump used to elevate sanitary wastes.

*Add:* "EPA": Environmental Protection Agency.

*Add:* "Existing work": Existing work is a plumbing system or any part thereof which has been installed prior to the effective date of this code. For local government units that have adopted a local plumbing ordinance and plumbing code, the definition of "existing work" would be existing work in a plumbing system or any part thereof which has been installed under authorization of a previously issued permit. Violations in "existing work" shall be corrected to the present code standards.

*Add:* "Expansion joints": An appurtenance compensating for expansion and contraction in potable and drainage piping systems.

*Extracted mechanical joint:* To the end of the definition add the following: See Section 890.370(c).

*Add:* "Fire hydrants": A fire hose connection unit provided for fire department use only.

*Add:* "Fire suppression systems": Industrial, commercial, residential requirements, see Section 890.1130(d).

*Add:* "Flashing": An appurtenance used to provide a waterproofing seal between a pipe and the structure. (i.e. a roof vent, V.T.R.). See "Safing," "Safe Pans."

*Float valve:* To the end of the definition add the following: See "Antisiphon Ballcock," "Ballcock."

*Flooded:* To the end of the definition add the following: To fill an empty piping system.

*Add:* "Free circulation of air": A plumbing system so designed and installed to keep the air within the system in free circulation and movement and to prevent, with a margin of safety, unequal air pressure of such forces which might blow, siphon, or affect trap seals, or retard the discharge from plumbing fixtures or permit sewer air to escape into a building.

*Add:* "Frostproof/pollution proof yard hydrants": A hydrant with an integral chamber to contain water, as opposed to existing types that can allow ground water contamination of potable water supply.

*Add:* "Frostproof sillcock": A hose bibb with the control mechanism within the heated portion of the structure.

*Add:* "Fuel gas piping": A piping system to deliver gas from its service to the building, to equipment, and appliances.

*Add:* "GPM": Gallons per minute.

*Add:* "Grease trap": See "Grease interceptor."

*Add:* "Ground water": Water that is standing in, or flowing through the ground; seepage water.

*Group of fixtures:* To the end of the definition add the following: See "Battery of fixtures."

*Add:* "Hand held hose units": An accessory on a hose utilized for showering, massage, bathing, or shampoo bowls or other purposes. Said units shall be back-flow/siphonage protected.

*Add:* "Hard water": A condition caused by elements dissolved in solution. Calcium and magnesium are primarily responsible for water hardness.

*Add:* "Head": The difference in elevation between two points in a body of fluid with the resulting pressure of the fluid at the lower point expressible as the height or pressure of the fluid.

*Add:* "Holding tank": A vessel to retain liquids and/or wastes.

*Add:* "Hydrostatic testing": A pressure test using a pump to increase pressure beyond normal operating line pressures.

*Add:* "Individual sewage disposal system (private sewage disposal system)": This means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge. Refer to Private Sewage Disposal Licensing (225 ILCS 225/1 et. seq. (1996)) and Code (77 Ill. Adm. Code 905), Illinois Department of Public Health.

*Add:* "Industrial wastes": Industrial wastes are liquid wastes resulting from the processes employed in industrial establishments and are free of human and animal waste.

*Add:* "Instantaneous water heaters": A high output unit utilized in areas of high demand.

*Add:* "Irrigation systems": A piping system to supply water to lawns and plant life, shrubbery, etc.

*Add:* "Island fixture vent": A vent in which the vent pipe rises as near as possible to or above the highest water level in the fixture vented and then turns down before connecting to the stack or main vent. See Section 890.1600.

*Add:* "Joint": A joint is the juncture of two pipes, a pipe and a fitting, or two fittings.

*Add:* "Journeyman plumber": A person engaged in the plumbing trade having fulfilled the licensing requirements of the State of Illinois License Law.

*Add:* "Laboratory faucets": Specialized valves that hoses may be attached to.

*Add:* "Leader": See "Downspout": "Conductor."

*Add:* "May": The word "may" is a permissive term.

*Add:* "Methane gas": A colorless, odorless, flammable gaseous hydrocarbon (CH<sub>4</sub>) that is a product of decomposition of organic matter. Found in sanitary systems.

*Add:* "Mound sewerage treatment system": A private sewerage treatment system which uses evaporation as its principal dispersal of the effluent, as per Lake County Health Department requirements.

*Add:* "Negative pressure": Pressure less than atmospheric pressure.

*Add:* "Neutralizing basin": A pit or chamber designed to retain wastes for dilution purposes.

*Add:* "Notching": The act of sawing or drilling a notch in framing members to install piping.

*Add:* "Notch Plates (trade name)": A steel plate designed to be secured to framing members for the protection of water/waste/vent piping.

*Add:* "Nuisance": The word "nuisance" embraces public nuisance as known at common law or in equity jurisprudence, whatever is dangerous to human life or detrimental to health; whatever building, structure, or premises is not sufficiently ventilated, sewerred, drained, cleaned, or lighted, in reference to its intended or actual use; and whatever renders the air or human food or drink or water supply unwholesome, are also severally, in contemplation of this code, nuisances.

*Add:* "OS & Y": Outside screw and yoke.

*Add:* "PPM": Parts per million—a ratio, usually used to describe impurities within water, air, etc.

*Add:* "Pathogenic": Capable of causing disease, containing bacteria or viruses.

*Add:* "Pipefitting": The installation of piping other than that which is defined as plumbing.

*Add:* "Plumber": See "Journeyman Plumber" or "Apprentice Plumber."

*Add:* "Plumbing": Plumbing is the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities; the venting system and the public or private water supply systems within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extend point of public disposal or other acceptable terminal. Plumbing does not mean or include, and nothing in this code shall be held or construed to have any application to the trade of drilling water wells, which constitute the sources of private water supplies, or the business or manufacturing or selling plumbing fixtures, appliances, equipment or hardware; nor does it mean or include minor repairs which do not require changes in the piping to or from plumbing fixtures or involve the removal, replacement, installation, or reinstallation of any pipe or plumbing fixtures, where used for personal or domestic use.

*Add:* "Plumbing contractor": A person duly licensed under the Illinois Plumbing License Law or a firm, company, or corporation, an officer of which is licensed under the Illinois Plumbing License Law and has on file in the office of the director of building and zoning all bonds and insurance certificates required by the village.

*Add:* "Plumbing appliance": A unit whose operation and/or control may be dependent upon one or more energized components, such as motors, controls, heating elements, or pressure or temperature sensing elements. Such fixtures may operate automatically through one or more of the following actions: a time cycle, a temperature range, pressure range, a measured volume or weight, or the fixture may be manually adjusted or controlled by the user or operator. An adjunct, usually mechanical, and similar to a plumbing fixture except that it is designed for a specific purpose and not generally indispensable in the operation of the plumbing system.

*Add:* "Plumbing system": The plumbing system includes the water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers including their respective connections, devices, and appurtenances within the property lines of the premises; and water-treating or water-using equipment, and installed for personal or domestic use and purposes.

*Add:* "Point of use water heating devices": an appurtenance to heat potable water at or near the fixture.

*Add:* "Pollution": The result of making impure or unclean.

*Add:* "Pool (swimming)": According to Section 7-27 of the Swimming Pool and Bathing Beach Act, (210 ILCS 125/1 et. seq. (1996)), a swimming pool means any artificial basin of water which has been modified, improved, constructed, or installed for the purpose of public swimming, and includes pools for community use, pools at apartments having five or more living units, clubs, camps, schools, institutions, park and recreational areas, motels, hotels, and other commercial establishments. The Swimming Pool and Bathing Beach Act does not apply to pools at private residences intended only for use of the owner and guests. The physical connection between the potable water supply line and the swimming pool shall be made by an Illinois licensed plumber or an Illinois licensed apprentice plumber under the supervision of a licensed plumber. Water closets, showers, lavatories, and drinking fountains installed in a swimming pool complex must be installed by a licensed plumber or a licensed apprentice plumber under the supervision of a licensed plumber.

*Add:* "Pressure balancing bathing valves": A unit designed to equalize hot and cold water pressures, and delivering constant temperature water.

*Add:* "Pressure testing": A test to bring a piping system above atmospheric pressure. See "Static," "Hydrostatic," and "Smoke testing."

*Add:* "Private sewage treatment system": A private sewage treatment system is to be approved and installed as per Lake County Health Department standards.



*Add:* "Process piping": Piping other than potable water supplies, sanitary, storm, and other clear water wastes, and venting systems. Found generally in industrial installations.

*Add:* "Proper" or "properly": Means to be accurate or meeting the standard of competence for the given situation and properties of the materials involved based upon the standards and manufacturer's recommendations.

*Add:* "Purification": The removal, by natural or artificial methods, of objectionable matter from water.

*Add:* "Putrefaction": The process of decay during which organic matter is decomposed under anaerobic conditions.

*Add:* "RPZ": Reduced pressure zone backflow preventer.

*Add:* "Radon gas control": Piping and systems connected to the building plumbing system shall be installed by a State of Illinois licensed plumber, or apprentice under a licensed plumber's supervision. Example - venting system from a sump pit.

*Add:* "Retrofit": To replace an existing appurtenance fixture with similar unit.

*Add:* "Roof drain": A drain installed to receive water that has been collected on the surface of a roof and discharged into a leader or conductor.

*Add:* "Saddles": A clamp device secured over a hole drilled into the pipe. See Section 890.370(d).

*Add:* "Safe pan": A safe pan is a pan or other collector placed beneath a pipe or fixture to prevent leakage from escaping onto the floor, ceiling, or walls. Safe pans are especially important in food preparation and food storage areas that have overhead exposed drainage piping.

*Add:* "Safe waste": See "Indirect waste."

*Add:* "Sampling manhole": See **North Shore Water Reclamation District** requirements. It is installed at the connection of building sewer to building drain for sampling of effluents as required.

*Add:* "Sanitary sewer": A sewer into which building sewers are connected which carries sewage excluding storm, surface, and ground water.

*Add:* "Sanitary waste": The liquids and suspended materials coming from plumbing fixtures.

*Add:* "Semi-private water system": Means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single-family dwelling. Illinois Groundwater Protection Act (415 ILCS 55/9 (1961).

*Add:* "Service-connection": The point of delivery of water to a premises.

*Add:* "Service pipe": The water-supply pipe from the water main or source of supply to the building served.

*Add:* "Sewer gas": The mixture of vapors, odors, and gases found in a sewer.

*Add:* "Shall": The word "shall" is a mandatory term.

*Add:* "Slip joint": A slip joint is a connection in which one pipe slides into another. The joint is made tight with an approved gasket and threaded retainer.

*Add:* "Smoke test": A test using pressurized smoke for leak detection.

*Add:* "Soft water": Water that lathers easily and that does not contain excessive amounts of calcium or magnesium.

*Soil pipe:* To the end of the definition add the following: A term used to describe cast iron bell and spigot pipe.

*Add:* "Solar heating": For spatial and water heating/tempering purposes. A collection/storage system to utilize solar rays for the purpose of heating liquids.

*Add:* "Spatial heating": The use of domestic water heating devices for space heating, subject to approval of the administrative authority.

*Add:* "Spring line": Considered to be the lower one-third of a sewer or drain line.

*Add:* "Static pressure": The pressure within a system under no flow conditions—at rest.

*Add:* "Stormwater waste": A clear water waste, free of human waste or other contaminated wastes.

*Add:* "Sub-soil drainage": Sub-soil drainage is liquid waste such as run-off water, seepage water, or clear water waste, free of fecal matter and grey water.

*Add:* "Temporary water meters": Temporary water meters shall be utilized as per village water department requirements.

*Add:* "Tempering valve": A temperature reducing valve adjustable to control needed temperature demands.

*Add:* "Test tee": A tee fitting located at the base of a plumbing system or stack used to insert test plugs for blocking openings during testing procedures.

*Add:* "Test plug": A device inserted into a pipe or fitting and expanded to form a temporary closure during test procedures.

*Add:* "Thermal expansion": Water expansion caused by heating. In closed water systems, an expansion tank shall be installed on cold water supply after control valve.

*Add:* "Thermal waste": Wastewater that has been heated and may require cooling before discharging.

*Add:* "Turbidity": In water, cloudiness caused by suspended solids.

*Add:* "Velocity (liquids)": The rate at which liquids move through a piping system, usually measured in feet per second.

*Add:* "Venturi": A constriction in a pipe forming a throat reducing pressure and increasing velocities (i.e., used is aspirators).

*Add:* "Water closet": A fixture designed to dispose of fecal matter.

*Add:* "Water treatment devices": Private use devices for treating potable water to remove impurities, odors, bad taste, etc., shall be installed and serviced by a licensed plumber only.

*Add:* "Weir": A device used to form a barrier to keep water at a designated level, such as in a plumbing trap to provide a seal in the trap.

*Add:* "Well point": A pointed device driven into the ground to tap an underground source of water. Used in dewatering excavations, trenches, etc.

*Add:* "Zone": A partial section of a piping system.

*Section 890.140 Repairs and Alterations*

*890.140(a)(2):* At the end of this subsection, add the following:

- d) Reference Section 890.110 b)4) regarding permit requirements.

*Section 890.150 Workmanship*

*890.150(b):* At the end of this subsection, add the following subparts:

- 1) Corrections may be required to uncover structural problems found as a result of wall and floor material removal during remodeling, and/or repair work. Corrections will be the responsibility of the owner or agent.
- 2) Cutting, drilling, or notching: No structural member shall be weakened or impaired by cutting, notching, or otherwise, except to the extent permitted by the administrative authority. Joists, beams, studs, and other framing members shall be reinforced prior to the installation of piping. Reference the village building code for requirements.
- 3) Firestopping of annular spaces of pipe penetrations shall be as per the village building code and N.F.P.A. requirements. such requirements apply to all types of buildings - residential, commercial, and industrial. Consult the administrative authority regarding requirements.

*Section 890.160 Used Plumbing Material, Equipment, Fixtures*

890.160(b): At the end of this subsection, add the following subsection:

- c) Equipment and fixtures utilized for commercial food preparation or industrial purposes shall have N.S.F. approval and meet the requirements of the Lake County Health Department.

*Section 890.170 Sewer and/or Water Required*

890.170(d): At the end of this subsection, add the following subsections:

- e) *Industrial wastes.* Wastes detrimental to the public sewer system or detrimental to the functioning of the sewage treatment plant shall be treated and disposed of as directed by the administrative authority or other authority having jurisdiction.
- f) *Sampling manhole.* Shall be installed ten feet from building on sanitary building sewer as per Village of Gurnee Engineering Department requirements and the **North Shore Water Reclamation District**.

*Section 890.180 Sewer and Water Pipe Installation*

890.180(d): At the end of this subsection, add the following:

The method being tamped oakum and caulked with lead. The neoprene mechanical expansive type, silicone caulking, or other material found equally effective and approved as such by the administrative authority. See Illustration BB and CC, Appendix B.

890.180(e): Change to read as follows:

*Parallel.* No piping shall be laid parallel to building footings closer than three feet, except with the approval of the administrative authority when space is not available. When parallel piping is laid deeper than the building footings, the horizontal distance from the footing shall be equal to, or greater than the vertical distance below the footing.

890.180(f): At the end of this subsection add the following subsections:

- g) *Perpendicular.* The undercut or tunnel shall be backfilled with gravel fill only, to the original grade of excavation.
- h) *Tunneling and driving.* Tunneling may be done in yards, courts, or driveways of any building site. When pipes are driven, the drive pile shall be at least one size larger than the pipe to be laid. Moling is acceptable. The J.U.L.I.E. company must be contacted prior to any dig start.
- i) *Open trenches.* All excavations required to be made for the installation of a building drainage system, or any part thereof, within the walls of a building, shall be open trench work and shall be kept open until the piping has been inspected, tested, and accepted. Piping covered before the inspection shall be made visible to the inspector.
- j) Water service pipes, or any underground water pipes shall not be run or laid in the same trench as the building sewer or drainage piping. See Section 890.1150.
- k) *Safety precautions.* All local rules and regulations pertaining to safety and protection of workmen, other persons in the vicinity, and neighboring property shall be observed where trenching, blasting, or other hazardous operation are being conducted.
- l) No open cuts shall be made in public roadways, as per village engineering department requirements.
- m) Water service piping shall be installed below the recorded frost penetration, at or below the minimum depth prescribed by the authority having jurisdiction.

*890 Appendix B Illustrations for Subpart A*

*Illustration A Air Gap Drawing #1:* Add the following after the number "#1": Also called break tank.

*Illustration C Battery of Fixtures:* Add the following after the word "Fixtures": Circuit venting is prohibited.

*Illustration G Building Sub-Drain:* Add the following under "Referenced": See Appendix J, Illustration K, for pit requirements and 890.1360(b) Design.

*Illustration H Circuit Vent:* Omit this Illustration and add the following notation. See Section 890.1520 Circuit and Loop Venting.

*Illustration I Common Vent:* Add the following notation: Illustrations as shown are not as per village requirements. See Section 890.1460.

*Illustration J Continuous Vents:* Add the following notation: This is the preferred method.

*Illustration R Quarter Bend:* Delete side inlet  $\frac{1}{4}$  bend.

*Illustration S Relief Vent:* Delete Sketch "D".

*Illustration V Stack Vent:* Delete as shown and add the following notation: See Section 890.1470 and Appendix A Table 1.

*Illustration X Vent Stack:* Add the following notation: Shown inaccurately. The shower waste shall be re-vented.

*Illustration Y Wet Vent:* Delete as shown and add the following notation: The bath tub and shower shall be vented.

*Illustration BB Sleeves:* Add new Illustration BB Sleeves.

*Illustration CC Sleeves:* Add new Illustration CC Sleeves.

SECTION 890 APPENDIX B

SECTION 890 APPENDIX D

ILLUSTRATION BB - SLEEVES

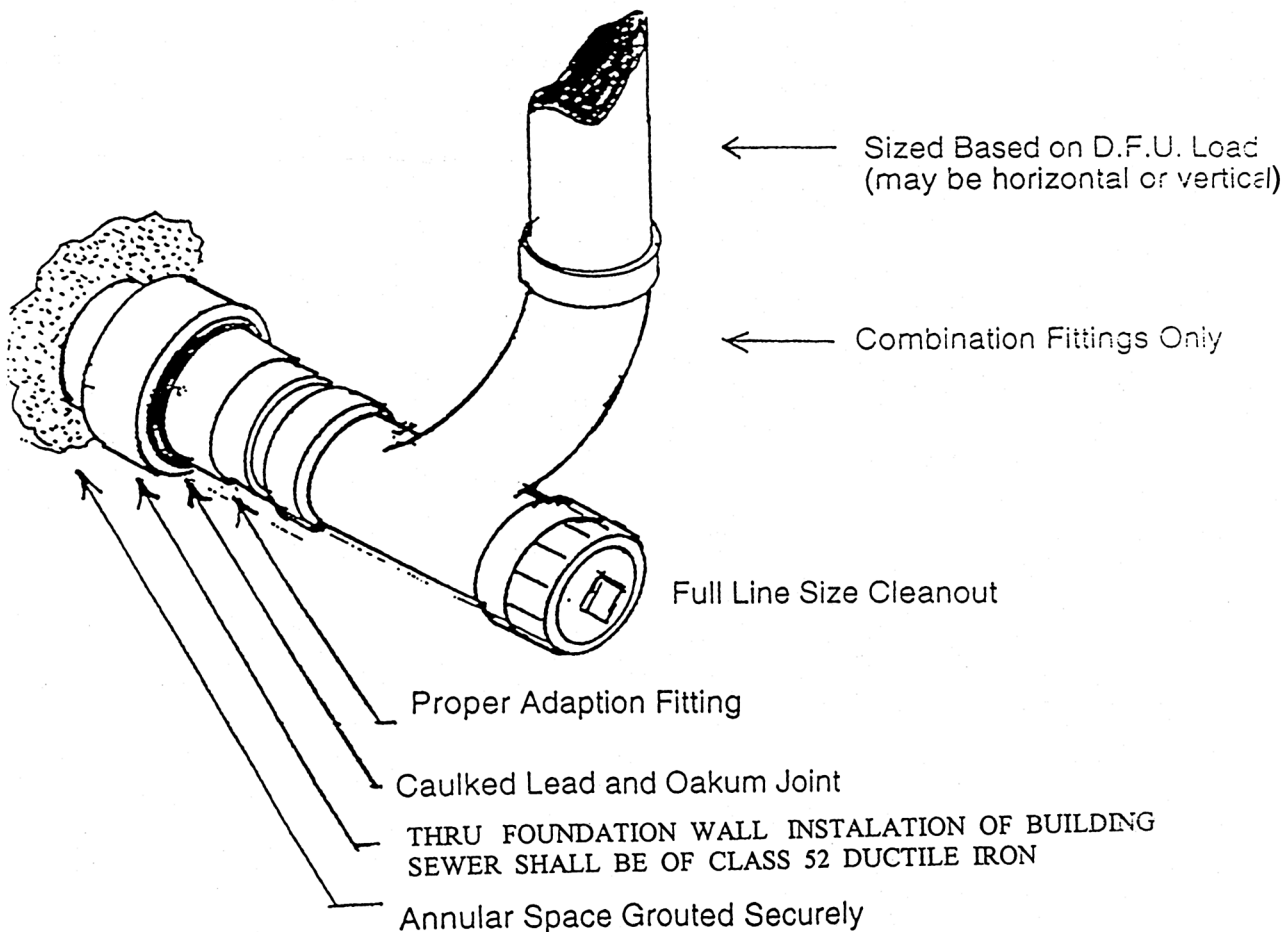
and

ILLUSTRATION 1

(Reference Section 890.180(d))

(Reference Section 890.420(a)(4))

Approved Building Drain to Building Sewer Connection Thru Wall



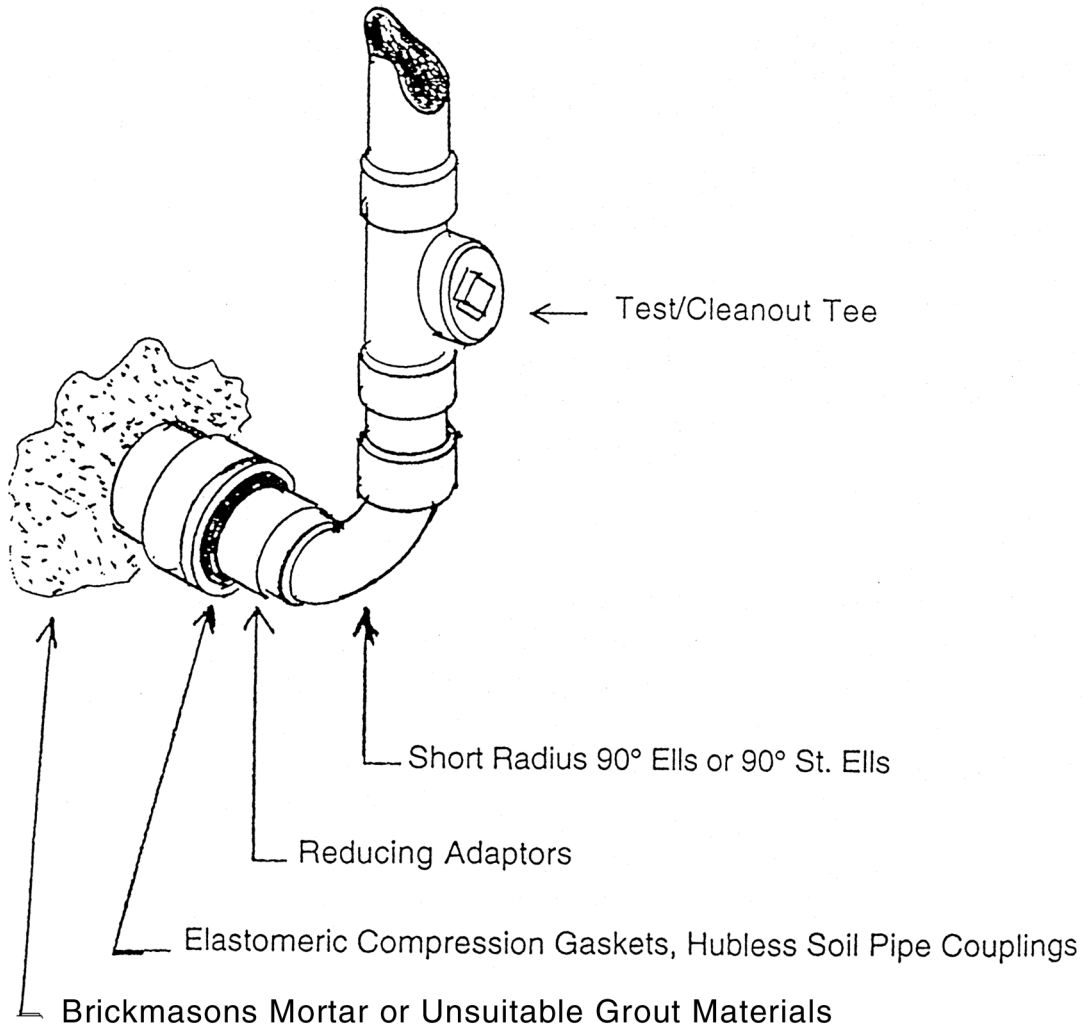
SECTION 890 APPENDIX B

ILLUSTRATION CC - SLEEVES

{Reference Section 890.180(d)}

{Reference Section 890.420(a)(4)}

Prohibited Connections at Building Drain/Sewer Connections Thru Wall





*Section 890.210 Materials*

890.210(b): At the end of this subsection, add the following subsection:

- C) Materials prohibited within the Village of Gurnee:
- 1) CPVC-CCPVC - water pipe and fittings for potable water supply systems. This includes socket weld, polyfusion, or mechanical joints.
  - 2) Polybutylene tubing - water pipe and fittings for potable water supply systems. This includes socket weld, polyfusion, or mechanical joints.
  - 3) Nonmetallic supply riser tubes - including braided stainless steel covered neoprene.
  - 4) Fixture angle stops - push-on type and nonmetallic.
  - 5) Flexible connectors - used on water heater piping for potable water.
  - 6) Spun air chambers.
  - 7) Mechanical air chamber/shock absorbers - refer to water section.
  - 8) Cellular/foam core PVC - DWV.
  - 9) Double hub soil pipe fittings.
  - 10) Unshielded flexible couplings - Sewers and DWV.
  - 11) Corrugated stainless steel tubing and fittings for gas installations - see village building code requirements.
  - 12) All plastic materials for storm, sanitary, process, and domestic water in any application pertaining to commercial, warehouse, and industrial systems.

*Section 890.320 Types of Joints*

890.320(a): At the end of this subsection, add the following:

No foreign substances/additives shall be introduced to joint prior to pouring of lead (i.e., wax, paste, fluxes, etc.) cracked, split, or otherwise defective bells or pipes shall be replaced. When pouring a lead joint vertically on a hub badly

out of level, a running rope shall be used to assure a continuous monolithic pour. PVC adapters shall be caulked after cooling properly.

890.320(c): Change to read as follows:

*Wiped joints.* Joints in lead pipe or fittings, in water supply, or drainage systems are prohibited. Connections to existing lead water services, alterations to existing lead DWV, or commercial drainage system, shall be by written permission of the administrative authority only.

890.320(d): At the end of this subsection, add the following:

Tubing shall be reamed to eliminate erosion, cavitation, frictional loss, and noise to the system. Soft tubing shall be sized with an appropriate sizing tool to facilitate consistent fit of tubing to fittings. Bronze fittings shall be of lead-free composition.

890.320(h): Change to read as follows:

*Brazed joints.* Brazed joints shall be made by first cleaning the surface to be joined down to the base metal, applying flux approved for such joints and for the filler metal to be used, and making the joints by heating to a temperature sufficient to melt the approved brazing filler metal on contact (see Section 890.330(b).) The use of branch extrusion devices is prohibited.

890.320(i): Change to read as follows: Cement mortar joints: Cement mortar joints are prohibited.

890.320(k): Delete without substitution.

890.320(l)(2): Change to read as follows:

*Plastic pipe and fitting restrictions.* CPVC or any polymer pipe or fittings shall not be used on potable water piping systems. This includes plastic fixture supply riser tubes.

890.320(l)(2)(A): At the end of this subpart, add the following:

For use on potable well water services into the building only. The compression tank shall be located directly at service entry. If this is not feasible, the line shall be of iron or copper within the building to the tank.

890.320(l)(2)(B): At the end of this subpart, add the following subparts:

- I. Expansion couplings, such as the O-ring type, will be used as determined by the administrative authority and/or manufacturer's recommendations for multi-story buildings.
- II. Defective materials and workmanship shall be corrected and retested.
- III. A.B.S. plastic pipe and fittings shall not be used.

890.320(l)(2)(C): At the end of this subpart, add the following:

Use on water well services only (see 890.320(l)(2)(A)).

890.320(n): At the end of this subsection, add the following:

Hanging, support, and restraint shall be as per C.I.S.P.I. requirements.

890.320(c)(2): At the end of this subsection, add the following subpart:

- 3) Compression fittings (brass) shall be used only in accessible applications.

#### Section 890.330 Special Joints

890.330(a): At the end of this subsection, add the following:

Dielectric unions shall be used at all dissimilar material connections, (i.e., water heaters, copper to galvanized piping, etc.). A brass valve will not be accepted as a dielectric break or converter.

890.330(c): Change to read as follows:

*Slip joints.* In drainage and water piping, slip joints may be used on the inlet side of the trap or in the trap seal. Slip joints shall not be used in any inaccessible piping. Push-on angle stop valves are prohibited. Compression, threaded, or sweat shall be used.

890.330(e): Change to read as follows:

*Compression type couplings.* (1) Joints on any part of a water service shall be flared only. (2)

Compression fittings shall only be used on stops and equipment connections downstream of a stop.

890.330(g)(1)(D): At the end of this subpart, add the following subpart:

- E) For use on well water service piping only.

890.330(g)(2)(C): At the end of this subpart, add the following: Shall be used for underground installations only.

#### Section 890.340 Use of Joints

890.340(e): At the end of this subsection, add the following: By approval of the administrative authority only.

890.340(g)(2): At the end of this subpart, add the following subpart:

- 3) The use of Cellular Core PVC ASTM.F 891 (1990) is prohibited. Solid Core PVC ASTM.D 2665 (1988) shall be used. See Appendix A Table A.

#### Section 890.350 Unions

890.350(a): Delete the words "and outlet" from the first paragraph.

890.350(b): Change to read as follows:

- b) *Water supply system:* Unions in the water supply system shall be metal to metal with ground seats. Unions between copper pipe/tubing and dissimilar metals shall be made with a dielectric type union.

#### Section 890.360 Water Closet and Pedestal Urinal

890.360: At the end of this section, add the following:

The use of commercial putty or plaster is prohibited. Closet collars shall be used on all floor mounted closets, bidets, etc. PVC or copper DWV collars shall be secured to the firm flooring with corrosion resistant screws or bolts.

#### Section 890.370 Prohibited Joints and Connections in Drainage Systems

890-370: Add the following subsections:

- a) Heel and side inlet ells are not acceptable in waste installations. Heel and side inlet ells are permitted in vent installations.



- b) Cottage fittings, tees, wyes, combinations, or the small branch inlet shall be used for a dry vent only.
- c) Copper waste and water extraction/extrusion tools that form branch openings in tubing shall not be used. Fittings shall be used for any branch opening.
- d) The use of saddles of any type is prohibited in building interior DWV systems. Drainage or vent lines shall have the necessary branch fitting placed into the line.
- e) The use of saddles of any type is prohibited in building interior potable water supply. This includes self-tapping associated with humidifiers, ice makers, and other water supplied appliances. A fitting and valve shall be installed for any water line branch.
- f) Tapping saddles for water main and service installations as per Village of Gurnee Engineering Department specs.

*Section 890.380 Increases and Reducers*

890.380: Add the following subsections:

- a) VTR increasers shall be assembled using proper reducing fittings. The use of a coupling glued to the interior of the increaser pipe is prohibited.
- b) Bushings shall not be used on gas pipe installations. Use reducing couplings, 90° elbows, or tees only.

*890 Appendix Q Illustrations for Subpart C*

*Illustration A, Caulked Joints:* Add the following notation: This illustration is outdated.

*Section 890.410 Traps*

890.410(c): Delete the period at the end of the second sentence and add: ", including shower drains."

890.410(d): At the end of this subsection, add the following: Flexible PVC and neoprene traps shall not be used.

890.410(e): Change to read as follows:

*Drum traps.* Drum traps are prohibited.

890.410(f)(3): Change to read as follows: Trap primers are prohibited.

890.410(g)(3): At the end of this subsection, add the following:

Said bath traps shall be protected from freezing in overhang projections or other locations.

890.410(i): At the end of this subsection, add the following:

Floor drain "P" trap risers shall not exceed 24 inches in height.

890.410(j): Change to read as follows:

*Building (house) traps:* No trap shall be installed at the base of a soil or waste stack, or in a building drain or building sewer.

890.410(l): At the end of the subsection add the following subsections:

- m) *Slip joints.* Slip joints may be used only on the inlet side of the trap and in the trap seal, in exposed locations.
- n) *Visible ground joint connections.* Visible ground joint connections may be used on the inlet side of the trap, in the trap seal, and on the outlet side of the trap in exposed locations.

*Section 890.420 Pipe Cleanouts*

890.420(a)(2): At the end of this subpart, add the following subparts:

- A) Access panels or covering plates provided by the plumbing contractor to be installed in fire rated assemblies shall meet said required rating, subject to the Village of Gurnee Fire Department approval.
- B) The end of cleanout plugs shall be within one inch of finish wall or floor.
- C) Cleanout plugs shall be sized accordingly, be of compatible material, and shall be I.P.T. only.
- D) Countersunk heads shall be used where raised heads may cause a hazard, or for concealment behind finished surfaces. Reversal of standard plugs into the test tee is prohibited.

890.420(a)(3): At the end of the subpart, add the following:

Place said cleanouts at an elevation above and look it out so as not to require removal of any fixture or object to readily access it.

890.420(a)(4): At the end of the subpart, add the following:

Cleanouts penetrating an exterior basement wall shall be a full line size combination Y and one-eighth bend with the cleanout allowing a straight path to access the building sewer for rodding purposes.

890.420(h): At the end of the subsection, add the following:

Cleanouts shall not be used as a floor drain or receive pumped ground water during construction.

*Section 890.430 Cleanout Equivalent*

890.430: At the end of the section, add the following sentence:

Branch waste lines serving a battery of any type fixture shall have an end of line cleanout.

890.430: At the end of this section, add the following subsection:

- a) *Exception:* Residential kitchen sinks shall be provided with a two-inch fitting cleanout (i.e., using a double wye with one opening for cleanout).

*Section 890.440 Acid-Proof Traps*

890.440: At the end of the section, add the following:

Glass or silica iron shall be installed per manufacturer's specifications.

*890 Appendix Q, Illustrations for Subpart Q*

*Illustration A, Fixture Traps:* Delete and add the following notation: See Section 890.410(a) regarding residential/commercial applications.

*Illustration C, Types of Traps:* Delete Drum Trap.

*Section 890.510, Grease Interceptor Requirements*

890.510(a)(2): At the end of this subpart, add the following subparts:

- A) Approval: The size, type, and location of each interceptor or separator shall be approved by the plumbing inspector and no wastes other than those requiring treatment or separation shall be discharged into any interceptor.
- B) Interceptors installed without approval by the administrative authority shall be removed by order of the plumbing inspector.

890.510(a)(3): At the end of this subpart, add the following subpart:

- A) Grease lines to exterior grease interceptors. Said lines shall convey only grease bearing wastes and be separate from any sanitary discharge.

890.510(a)(4): At the end of this subpart, add the following:

Multiple food service units connected to a common grease line to an exterior grease trap may require individual interceptors (i.e., food courts in malls).

890.510(a)(5): At the end of this subpart, add the following subparts:

- A) Maintenance of exterior grease traps. The use of ladders or the removal of bulky equipment in order to service interceptors shall constitute a violation of accessibility.
- B) Interior above or below floor interceptors/ separators shall be installed with sufficient space above them for screen/baffle removal and access for interior cleaning without removal of piping/fixtures or other obstructions.
- C) Cleaning. Interceptors shall be maintained in efficient operating condition by periodic removal of accumulated grease.
- D) Any interceptor, separator, or grease trap found to have been modified in any manner by removal of baffle, screens, or partitions shall be restored to its original conditions, or completely replaced.

890.510(a)(6): At the end of this subpart, add the following subpart:

- A) Exterior grease traps shall be provided with its own vent.

890.510(b): At the end of this subsection, add the following subsection:

- c) *Residential units.* A grease interceptor is not required for individual dwelling units or any private living quarters.

*Section 890.520. Gasoline, Oil and Flammable Liquids*

890.520(a)(3): At the end of this subpart, add the following sentence:

Venting of oil/fuel separators shall be a separate system, to the atmosphere through the roof, with no connection to a sanitary vent system.

890.520(a)(4) Change to read as follows:

The inlet of the interceptor or the first basin shall be trapped, and all floor drains trapped and vented.

890.520(e): At the end of this subsection, add the following subpart:

- 1) Plaster, precious metals, or other solid interceptors shall be approved by the administrative authority. This includes small traps at fixture outlets.

890.520(e): At the end of this subsection, add the following subsection:

- f) Double trapping is prohibited.

*Section 890.530 Sand, Bottle and Slaughter Houses*

890.530: Delete and substitute with the following subsections:

- a) *Bottling establishments: Bottling plants.* Bottling plants shall discharge their process wastes into an interceptor which will provide for the separation of broken glass or other solids before discharging liquid wastes into the drainage system.
- b) *Slaughter houses. Separators.* Slaughtering room drains shall be equipped with separators which shall prevent the dis-

charge into the drainage system of feathers, entrails, and other materials likely to clog the drainage system.

- 1) Slaughtering or dressing room floor drains shall be equipped with separators.

*Section 890.550 Backwater Valves - Sanitary System and Storm System*

890.550(a): At the end of the of this subsection, add the following:

A single backwater valve may be installed in the building main drain where it leaves the building.

890.550(e): After this subsection, add the following subsection:

- f) A combination gate and check valve shall be used with a cleanout to the downstream side said valve assembly. Pits and depressions at the assembly are prohibited. The proper top extensions for the device shall be installed. The concrete floor patch shall be replaced to the surrounding existing finish floor level.

*890 Appendix E Illustrations for Subpart E*

*890 Appendix E Illustration C:* Add the following: See Revised Illustration C.

*890 Appendix E Illustration F:* Add the following: See Revised Illustration F.

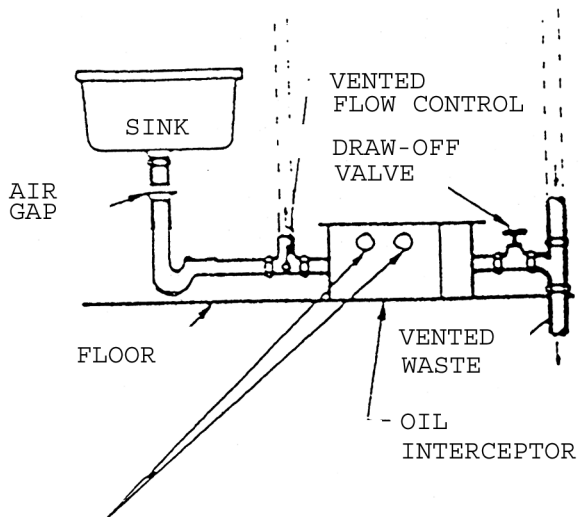
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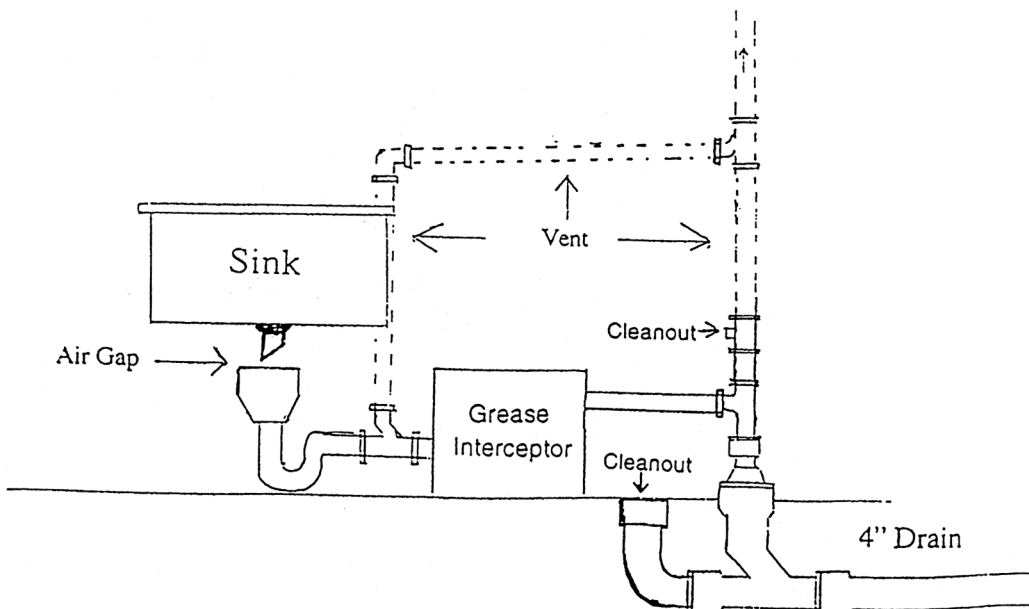
Section 890 Appendix E Illustrations for Subpart E

ILLUSTRATION C Interceptor/Separator Vents

(Referenced in Section 890.510(a)(5))



Two (2) vents, one (1) terminating 12" above the other to assure optimum recirculation and guard against clogging of a single vent.



*Section 890.630 Installation*

890.630(d): At the end of this subsection add the following subpart.

- 1) *Joints.* Where fixture comes in contact with wall and floors, the point shall be watertight.

890.630(f): At the end of this subsection, add the following subparts:

- 1) *Convenience-accessibility and maintained in sanitary condition.* Plumbing fixtures installed for the use of the public shall be installed so that such fixture is convenient, accessible, and maintained in a sanitary condition.
- 2) *Location.* No water closet or urinal shall be located in any room or apartment which does not contain a window placed in an external wall of the building or is not provided with a system of ventilation.
- 3) *Minimum clearances.* Minimum clearances for access to water closets shall be 16 inches centerline to sidewall or other obstruction, 30 inches from front of bowl to wall or other obstruction.

*Section 890.680 Lavatories*

890.680(d): At the end of this subsection, add the following subsection:

- e) *P traps and hot water supplies.* P traps and hot water supplies shall be insulated on handicapped fixtures.

*Section 890.690 Shower Receptors and Compartments*

890.690(b): At the end of this subsection, add the following:

Bidets, shampoo bowls, therapeutic fixtures, etc., shall meet this requirement.

890.690(e): At the end of this subsection, add the following subsections:

- f) Lead-oakum caulked joints shall not be made directly to Schedule 40 PVC pipe. Use of a proper adapter PVC, and such Schedule 40 galvanized nipple with one thread removed in lead joint shall be permitted.

- g) Compressive neoprene shower waste connections may be used.
- h) Shower supply valves shall be rigidly anchored and escutchions caulked preventing seepage behind unit.
- i) Shower head connecting fittings shall be secured by screws through mounting holes of a drop-ear ell fitting to a suitable framing member.
- j) Hot and cold water shall be piped to proper openings of mixing valve body. Reversal of valve handles or unit assy, is prohibited, piping will be corrected in all cases.

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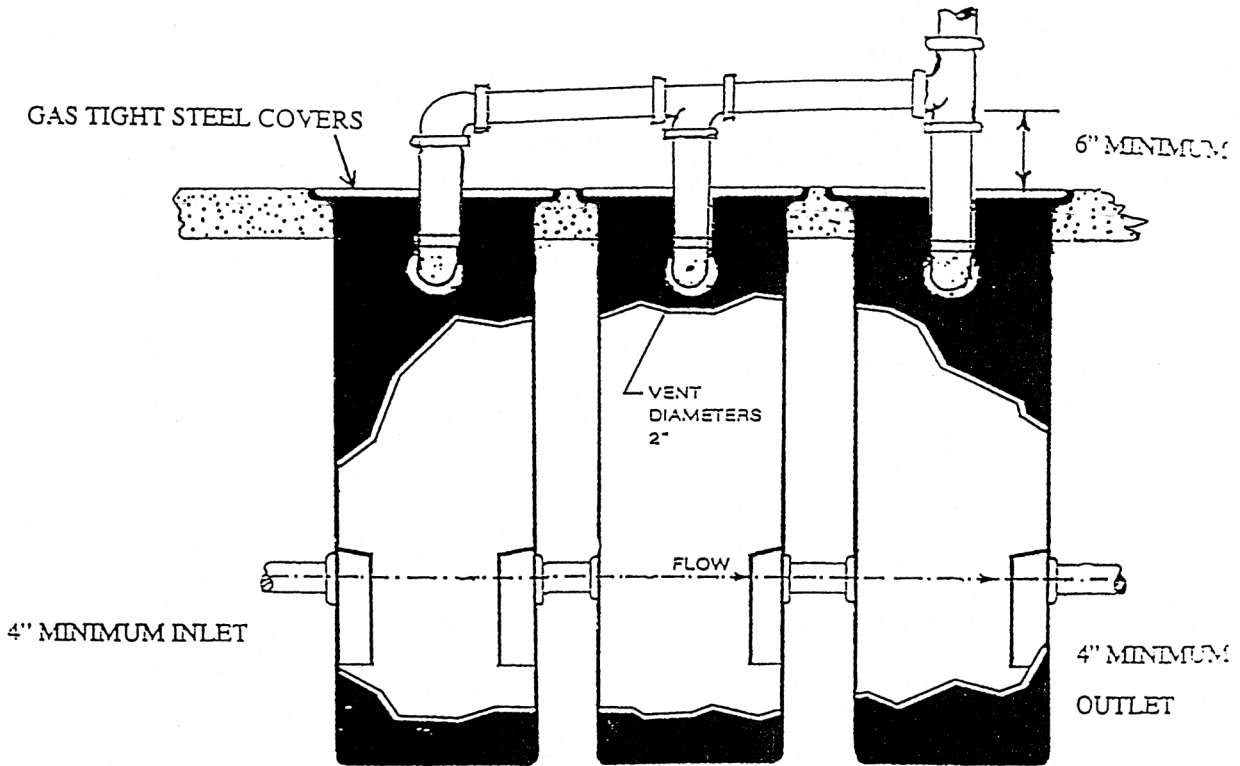
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SECTION 890.APPENDIX E

ILLUSTRATION F

GAS & OIL INTERCEPTORS

VENT SEPARATELY TO ATMOSPHERE



SIZING AS PER SECTION 890.520(c)(1)and (2)



*Section 890.700 Sinks*

890.700(b): At the end of this subsection, add the following sentence: All kitchen sink wastes shall be provided with a two-inch cleanout in a double or single wye. See Appendix F, Illustration D (lower).

*Section 890.720 Drinking Fountains*

890.720(f): Delete this subsection without substitution.

*Section 890.730 Floor Drains*

890.730: Add the following subsections:

- a) Funnel drain accessories may be added to a floor drain strainer to receive open sighted drain lines. Air gap distances shall be as required.
- b) Hub drains and floor sinks used to receive indirect wastes from dishwashers, etc., shall be a minimum of one inch above finish floor line, and shall not be used as a floor drain.
- c) PVC, A.B.S., and resin floor drain bodies shall not be installed in concrete flooring.
- d) Slab on grade, all washroom, and mechanical equipment room floor drains shall be four-inch minimum.
- e) A floor drain shall be provided for any RPZ relief valve discharge and water heater relief valve discharges. Also adjacent to laundry equipment on slab on grade installations and janitorial mop basins.
- f) Trap primers are prohibited.

*Section 890.750 Whirlpool Bathtubs*

890.750(b): At the end of this subsection, add the following subsections:

- c) The P trap and water lines shall be installed to prevent freeze-ups. See Village of Gurnee Building Code for insulation requirements.
- d) A usable access panel shall be provided for pump/motor service in an accessible location, not requiring cutting of wall, floor, ceiling, exterior, or overhang materials.

- e) Backflow prevention and anti-scald requirements shall apply to tub filler/diverter with spray hoses to tubs.
- f) Traps shall be the same size as the waste and overflow assembly. P Traps shall be used, with provision for rodding and cleaning. Also, they shall be protected from freezing - a heat run to supply warmed air may be required. The overflow shall be fastened to the tub by means other than the face plate.

*Section 890.770 Dishwashing Machines*

890.770(1b): At end of this subsection, add the following subpart:

- 1) Water supplies required for chemicals, rinse agents, etc., shall be protected with the required backflow protection permanently installed on it.

890.770(d): At the end of this subsection, add the following subsections:

- e) Dishwashers shall not discharge to a grease interceptor. See Section 890.510.
- f) Dishwashers for commercial use shall be NSF approved.

*Section 890.790 Laundry Trays and Drains*

890.790(b): At the end of this subsection, add the following subsection:

- c) Automatic washer P traps shall not be installed in any exterior or firewall assembly. Included are any garage walls. See Village of Gurnee Building Code requirement for false wall requirements.

*Section 890.800 Special Fixtures and/or Items Designed for a Particular Purpose*

890.800: At the end of this section, add the following subsections:

- a) *Water and drain connections.* Baptisteries, ornamental lily pools, aquariums, ornamental fountain basins, and similar construction when provided with water supplies shall be protected from backsiphonage as required. Included are items/fixtures used in hospitals, medical and dental clinic laboratories, mortuar-

ies, food product preparation, processing, manufacturing facilities, and any industrial/commercial application using potable water.

- b) *Approval.* Specialties requiring water or waste connections shall be submitted for approval of the administrative authority.

*890 Appendix F Illustrations for Subpart F*

*890. Appendix F Illustration C:* Add the following: See Revised Illustration C.

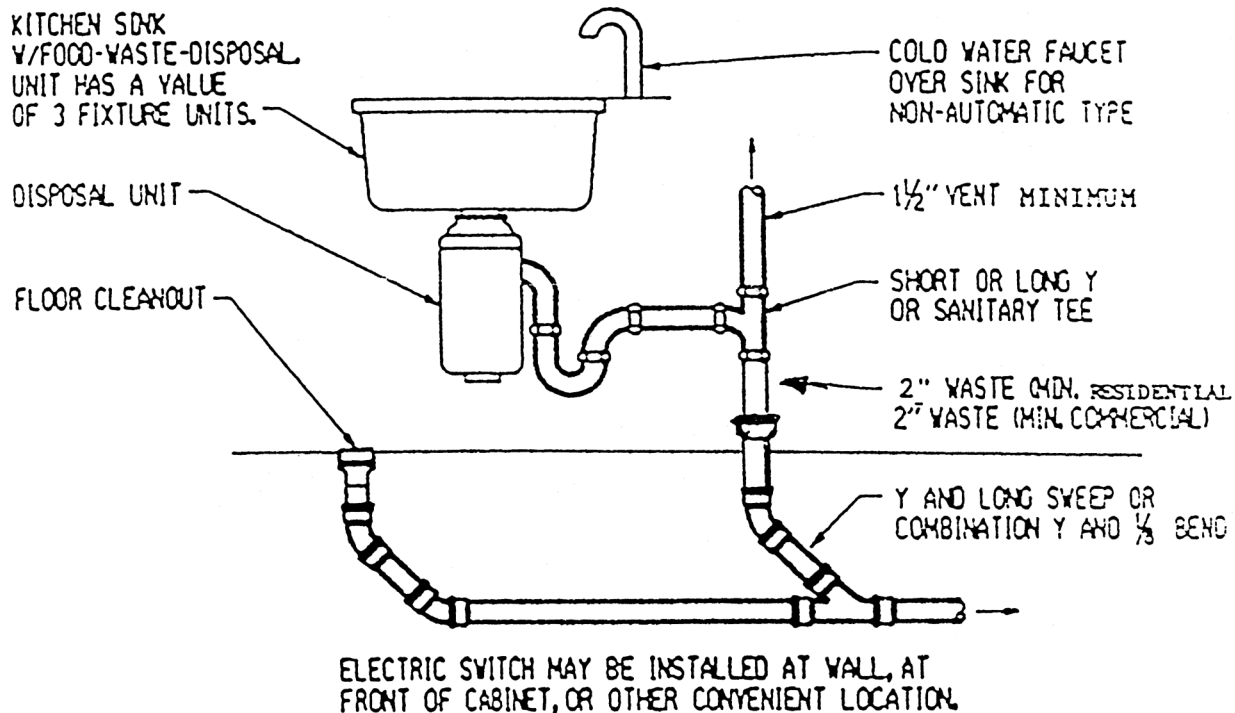
*890. Appendix F Illustration D:* Add the following: See Revised Illustration D.



Section 890.Appendix F Illustrations for Subpart F

ILLUSTRATION C Commercial-Type Grinder #1

(Referenced in Section 890.710(b))



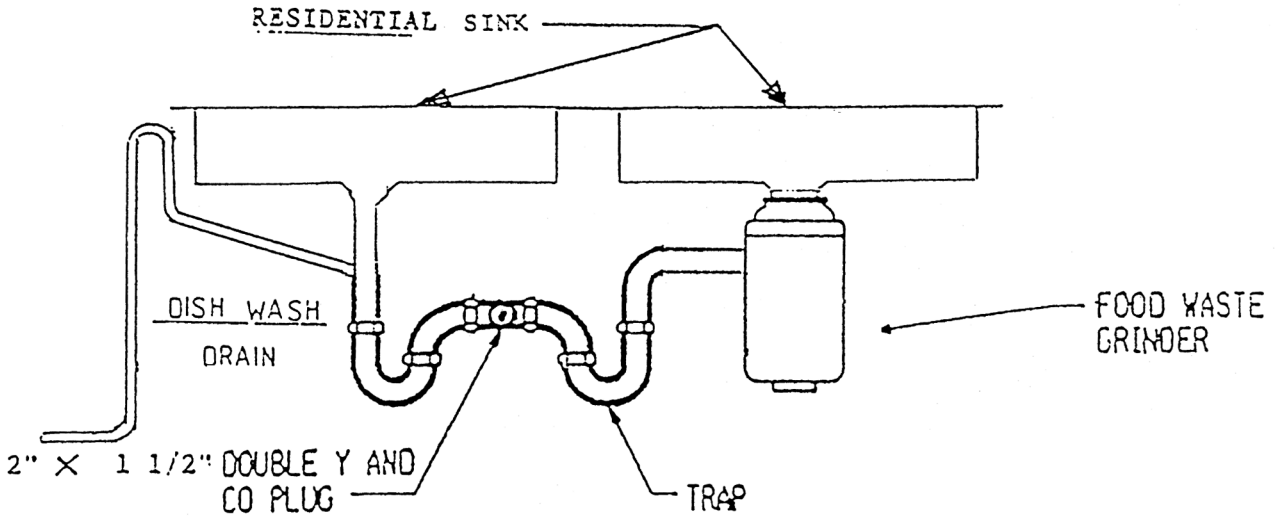
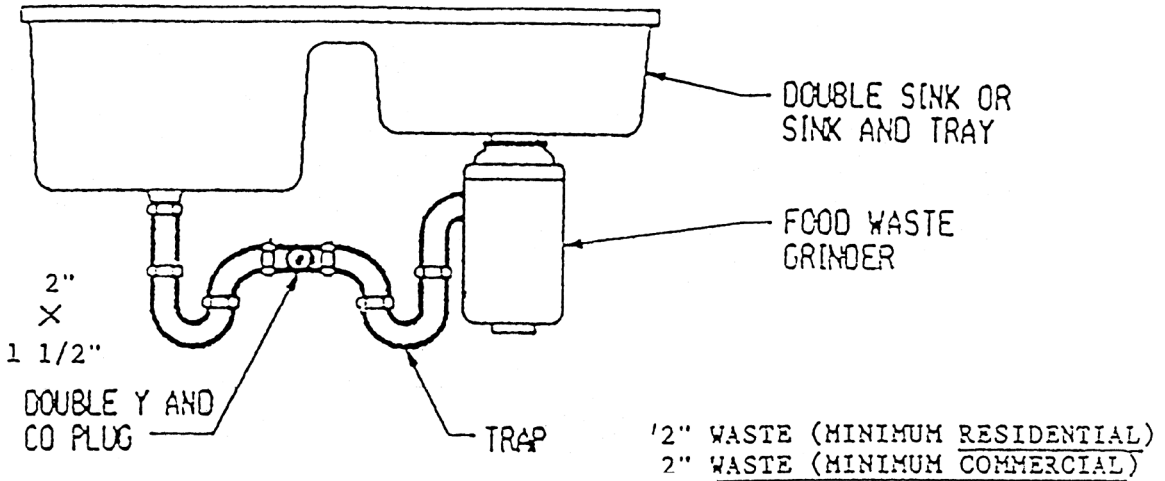
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Section 890.Appendix F Illustrations for Subpart F

ILLUSTRATION D Commercial-Type Grinder #2

(Referenced in Section 890.710(b))



*Section 890.920 Vertical Piping*

890.920(e): Delete this subsection without substitution.

890.920(f): Delete the last sentence of this subsection without substitution.

890.920(f): At the end of this subsection, add the following subsection:

- g) *Chemical waste and vent piping.* Chemical DWV with resistance coil sealed joints, fusion, socket jointed filled with epoxy materials, glass, silica iron, or any other special material shall be supported as per manufacturer's installation instructions.

*Section 890.930 Horizontal Piping*

890.930(b): Delete the words "compression gasket" from this subsection without substitution. (Said gaskets are for underground use only.)

890.930(e): Delete this subsection without substitution.

890.930(f): Delete the last sentence of this subsection without substitution.

890.930(f): At the end of this subsection, add the following subsection:

- g) Strains and stresses:
  - 1) Piping in the ground shall be laid on a firm bed for its entire length, except where support is otherwise provided which is adequate in the judgment of the department.
  - 2) Blocking under pipe or bells is prohibited and shall be removed before backfilling\*. Glass, silica iron, and other special waste lines, as per manufacturer's instructions. PVC underground is prohibited. See Appendix G Illustration D.
  - 3) Copper water piping in metal stud partitions horizontally run shall use rigid split plastic isolators placed in stud hole made with proper size stud punch.
  - 4) No copper tubing shall contact metal partitions. Pipe clamps may be se-

cured to studs provided pipe is isolated with tape or isolating material.

- 5) Copper tubing with ends hammered flat may be used as a secondary support, (i.e., air chamber, etc.). It shall not be used as a primary support/hanger for waste, drain, vent, or water line main or branch lines.
- 6) Copper water piping passing through slabs shall be fully wrapped with closed cell pipe covering a minimum of one-half inch thick.
- 7) Hanger and anchors shall be securely attached to the building's construction, all nuts fully tightened on mechanical supports, expansive anchors fully embedded in concrete or masonry, wire pipe driven fully home in wood structural members. The use of double nuts, lock washers, or other protection shall be used in areas of vibration or expansion stresses. Hangering from pipe to pipe, pipe to duct, or pipe to equipment is prohibited.

*Section 890.1010 Indirect Waste Piping*

890.1010(a): Charge this subsection to read as follows, and add the following subsection:

- a) *Food and beverage handling.* Commercial dishwashing machines, dishwashing sinks, pot washing sinks, prerinse sinks, silverware sinks, bar sinks, soda fountain sinks, vegetable sinks, potato peelers, ice machines, steam tables, steam cookers, and other similar fixtures shall have their drain lines indirectly discharged to a proper receptor. All indirect waste shall discharge to a vented trap location as close as possible to the fixture and in the same room. See Appendix H (revised drawings) Illustrations A, B, and D.
  - 1) *Direct drainage prohibited.* Waste from the following shall not discharge directly into any building drain, soil, or waste pipe: a refrigerator; ice box; or other receptacle, appliance, device, or apparatus which

is used for the storage, preparation, or processing of food or drink and which is not water connected; water sill; a swimming pool; a water treatment device; or a water operated device. Such fixture wastes shall discharge over an open drain of sufficient size to drain off freely without overflowing. There shall be an open interval of not less than two inches between the discharge end of the waste and the flood level of the drain.

*890.1010(d)*: Change this subsection to read as follows:

- d) *Swimming pools*. Piping carrying backwash or other washwater from a swimming pool filter shall be installed as an indirect waste to the building drain or building sanitary waste system. Piping utilized to drain water from the pool proper, such as the main drain waste and gutter waste, shall be installed as an indirect waste to a sanitary sewer. Piping utilized for carrying wastewater from deck drains around a pool shall be installed as an indirect waste to the sanitary sewer when the deck drains toward the pool. Pools other than private are subject to the Illinois Department of Public Health swimming pool requirements.

*890.1010(e)*: At the end of this subsection, add the following subparts:

- 1) The discharge from relief valves shall drain through an indirect waste connection into a floor drain or a receptor, which shall be within six feet of unit in the same room.
- 2) Thermally enhanced wastes, clear of sanitary, shall be cooled before introduction to the drainage system. Method of cooling shall be approved by the administrative authority.

*Section 890.1060 Special Wastes and Chemical Wastes*

*890.1060(b)*: At the end of this subsection, add the following subsections:

- c) *Dilution tanks for corrosive wastes*. No corrosive wastes which are equal or greater in corrosive action to five percent hydrochloric acid solution shall discharge into any soil or waste pipe, or any house drain or house sewer of standard materials and construction, without first discharging into a dilution tank or basin. Every dilution tank used for this purpose shall be constructed of earthenware or glass, wood, or other noncorrosive materials, and shall be provided with a standing waste and overflow or other approved means to insure dilution. A chamber shall be provided to retain a sufficient quantity of lime or other neutralizing material which shall be renewed as often as may be necessary to render the solution effective. Such dilution tank shall be provided with a controlled supply of water or neutralizing medium to make its contents noninjurious to ordinary waste pipe and joints. Some high-energy efficient heating plants require neutralizing of flue condensate.
- d) *Condensers and sumps*. No steam pipe shall connect to any part of a drainage or plumbing system, nor shall any water above 180 degrees Fahrenheit be discharged into any part of the drainage system. The drains from pressure tanks, boilers, relief valves, and other similar equipment shall be connected to the drainage system through an indirect waste. Boilers exceeding 15 psi shall discharge through a cooling chamber.
- e) *Volatile wastes*. Gasoline, benzene, naphtha, and other volatile, flammable, or explosive wastes shall not discharge into a house sewer, public sewer, or sewage treatment plant. Such wastes shall be intercepted in approved, vented triple basins and the volatile, flammable, or explosive elements removed. All such basins shall be of water and gas tight materials of durable construction.

*Section 890.1130 Protection of Potable Water*

*890.1130(b)*: At the end of this subsection, add the following sentence:

A copy of the field test report shall be filed with the Village of Gurnee Building Department.

*890.1130(c)*: At the end of this subsection, add the following sentence:

Reference Village of Gurnee Cross Connection Control Ordinance No. 96-47.

*890.1130(e)(5)*: Delete Exception sentence without substitution.

*890.1130(g)(1)*: At the end of this subpart, add the following:

All devices shall be installed per manufacturer's installation instructions. They shall be installed as a rated assembly, not modified or altered in any manner.

*890.1130(g)(6)*: Delete Exception sentence without substitution.

*890 Appendix H Illustrations for Subpart H*

*890. Appendix H Illustration A*: Add the following: See Revised Illustration A.

*890. Appendix H Illustration B*: Add the following: See Revised Illustration B.

*890. Appendix H Illustration D*: Add the following: See Revised Illustration D.

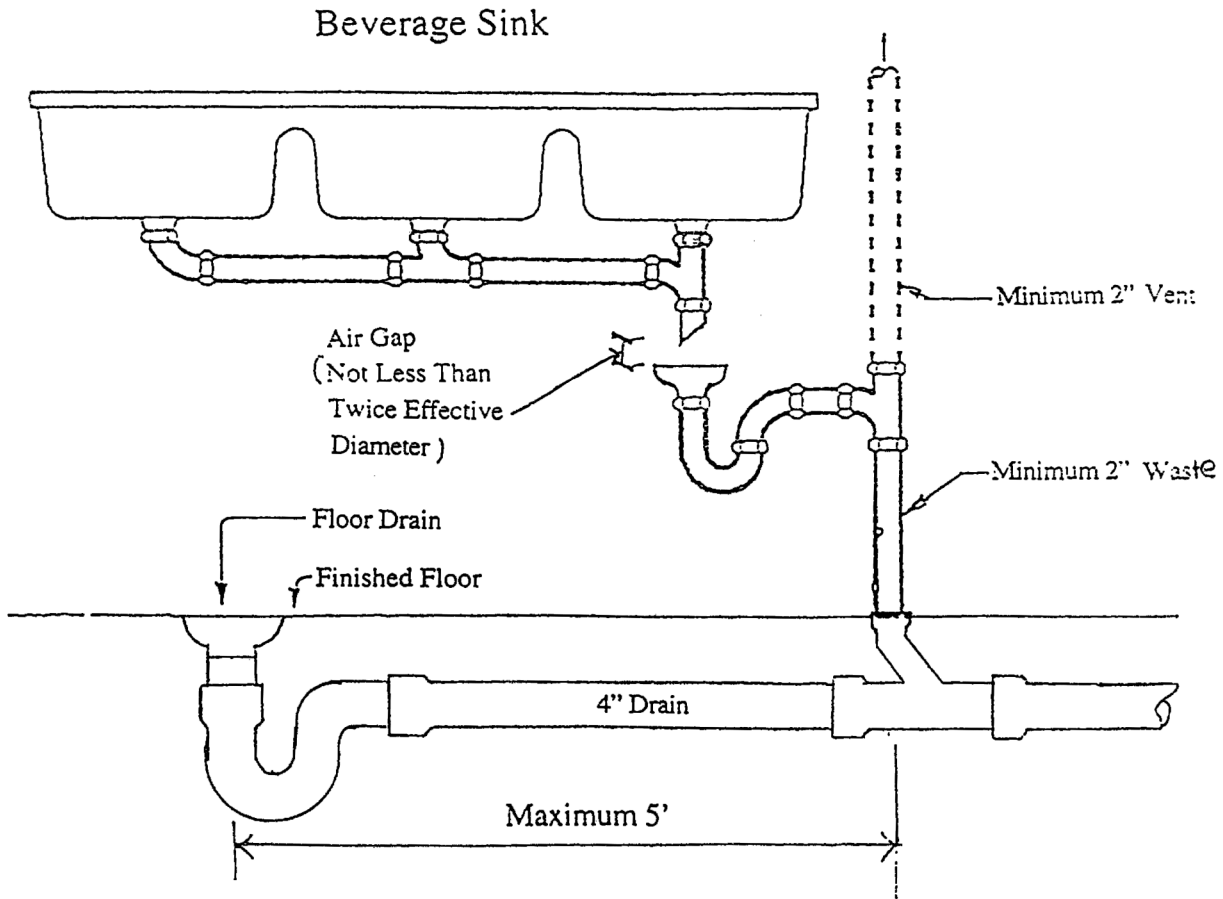
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Section 890.Appendix H Illustrations for Subpart H

ILLUSTRATION A Indirect Waste Piping #1

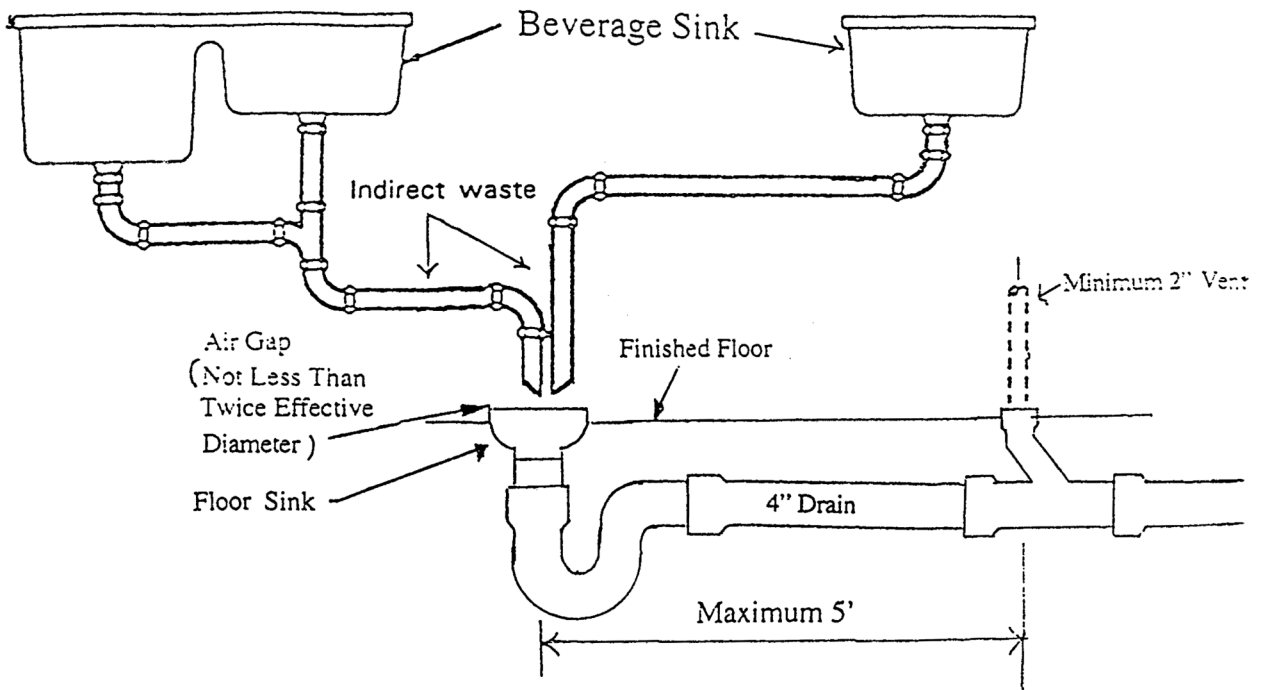
(Referenced in Section 890.10-10(a))



Section 890.Appendix H Illustrations for Subpart H

ILLUSTRATION B Indirect Waste Piping #2

(Referenced in Section 890.1010(a))



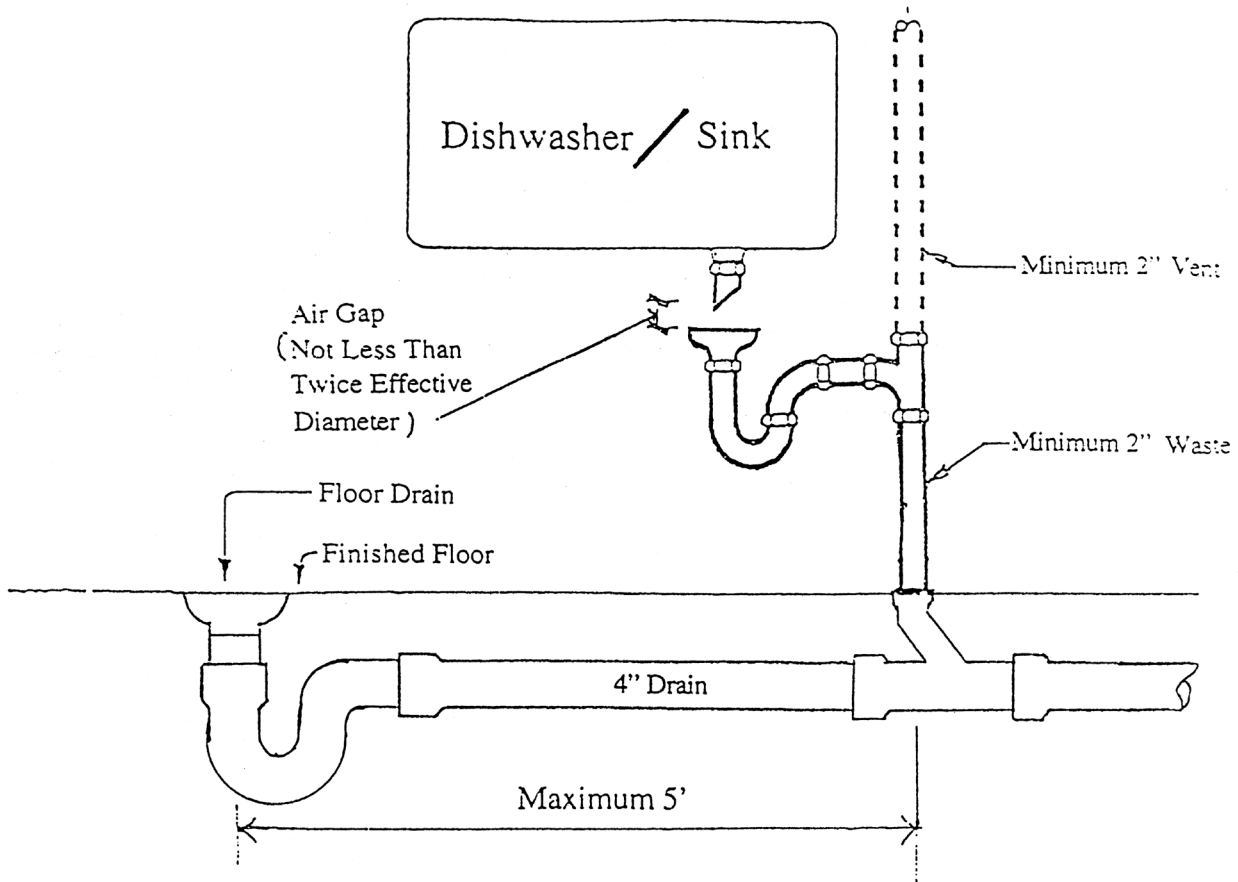
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Section 890.Appendix H Illustrations for Subpart H

ILLUSTRATION D Indirect Waste Piping #4

(Referenced in Section 890.1010(a))





*Section 890.1140 Special Applications and Installation*

890.1140(d): At the end of this subsection, add the following:

A floor drain shall be provided at any RPZ location. The RPZ shall have an air gap fitting attached and the drain piped to the floor drain.

890.11,40(f): At the end of this subsection, add the following:

Water supplies for chemicals, disinfectants, or rinse agents shall have an in-line permanent backflow preventer installed.

890.1140(g): At the end of this subsection, add the following:

Water supplies for chemicals, disinfectants, or rinse agents shall have an in-line permanent backflow preventer installed.

890.1140(h)(1)(B): Change this subpart to read as follows:

Water operated aspirators used for dispensing detergent shall be protected against backflow and back siphonage by a reduced pressure principle backflow preventer assembly.

*Section 890.1150 Water Service Pipe Installation*

890.1150(a)(1): At the end of this subpart, add the following sentence:

Appendix A Table A, material approval is revised.

890.1150(a)(3): Delete this subpart and substitute with the following:

*Service pipes—How laid:* All service pipes leading from the street mains into the building shall be laid in the ground to a depth of not less than five feet below the established street grade, nor shall any service pipe be left with less than five feet of cover. The depth of bury shall not exceed eight feet for any water service. Curb cocks and ground valves shall be keyable with a standard length street key.

890.1150(a)(3) At the end of this subpart, add the following subparts:

4) Stop cock in the street - kind - how placed and protected: Each and every water con-

sumer shall have a Mueller, or equal, corporation stop with one-quarter or one-eighth bend and a Mueller pattern curb stop or equal for one-inch and 1¼-inch service. For 1½-inch and two-inch service, a Mueller, or equal, with Minneapolis pattern should be used. All stop cocks shall be inserted into the service pipe within two feet from the outside edge of property line. Where sidewalks cover the entire parkway, the stop cock must be inserted into the service pipe within two feet inside the edge of curb. Each and every stop must be protected with a cast iron Buffalo stop cock box, Minneapolis pattern, at least five feet long and longer if the case requires and 2½ inches internal diameter with the word "Water" cast on the cover, for one-inch water service and three-inch internal diameter for 1½-inch water service or larger. The said stop box in all cases must be placed plumb and square over said stop cock and level with top of sidewalk or curb. Said box shall be supported on a solid foundation of brick, concrete, or concrete slab.

5) Pipe for street service - quality and size: No pipe shall be used for the purpose of street service or a different material or size than herein specified, except by special permit from the village engineer. All service pipe two inches or less internal diameter shall be type K copper water tubing conforming to the requirements (copper water tubing) and all service pipe shall extend from village water main to the water meter. See revised Appendix A Table A.

6) Copper piping one-inch in diameter shall be installed in one piece without couplings or joints from the corporation stop at the water main to the curb stop. The minimum size service is one-inch I.D. Copper piping 1½ inches to two inches inclusive in diameter shall have a minimum length of 20 feet between couplings, shall be soft tempered type K.

- 7) The number of joints in the service pipe shall be kept to a minimum. Sweat joints in water services are prohibited.
- 8) Sections of copper tubing and fittings thereon shall only be connected by means of "flared" type joints using extra heavy three-part joint unions. A flared male adapter shall be used for connection to the main building shut-off at the water meter on copper services.
- 9) Service pipe inspection: The service pipe, on the house side of the curb cock, shall not be covered before it has been inspected and approved by the plumbing inspector or an authorized agent of the Village of Gurnee Engineering Department.
- 10) Water meters: All water services being supplied from the water distribution system of the Village of Gurnee shall be provided with a Sensus water meter, or approved. All meters must be purchased from the water department of the Village of Gurnee and the type and size of such water meters shall be as determined by the utility foreman or assistant of said village. On all new construction, the meter shall be purchased at the same time and contemporaneously with the application for a permit for water service installation.  

Each and every water consumer shall have an independent water supply pipe and water meter, except a master water meter may be installed, which shall measure all the water supplied to a number of apartments, stores, or offices provided they are located in one building under one ownership.
- 11) A fine will be levied for illegal unmetered water usage. Continued illegal usage may result in the service shut-off or dug-up and disconnected at the street.
  - a) Temporary water meters, regular and hydrant, are available for use from the Village of Gurnee Water Department.
  - b) The water meter and remote reader shall be installed prior to the occupancy inspection.
- 12) The use of galvanized piping, fittings, and nipples before the water meter is prohibited.
- 13) There shall be a full port shut-off at each side of the water meter. A drain cock shall be provided after the water meter. The hose thread shall be protected with a siphon breaker.
- 14) A bypass shall be provided on all turbine and compound water meters. It shall be a minimum of one-half service size.
- 15) Meters,  $\frac{3}{4}$ -inch and one-inch are installed by the village water department. The plumber shall provide proper connections and the needed spread shall be installed and ready for the meter set during rough-in stage. Meters  $1\frac{1}{2}$ -inch and larger will be installed by the plumber, including supports or bases.
- 16) A conduit shall be run from within 12 inches of the water meter to a location three feet from the front corner of the house on the side between three to five feet off of the ground. Contact the village water department for requirements pertaining to commercial and industrial.
- 17) All meters shall be installed in the basement where a heated basement exists. All meters shall be located approximately 24 inches above the floor and four to six inches from the wall. The entire length of the service from the point of entry to the meter shall always be exposed.
- 18) All meters shall be set plumb, level, and secured to remain so. They must be in an accessible location, free from obstructions, so they can be easily read and serviced. They shall be protected by the customer from freezing or damage. Brass couplings, nipples, fittings, and unions shall be installed on the inlet and outlet side of the meter. On compound or turbine-

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type meters, flanged connections shall be made. Repair of damaged meters shall be paid for by customer.

- 19) Malleable water services shall be independent from each other and each provided with its own meter.
- 20) In residential districts where there is no basement, the water meter shall be located inside the home in a heated area (in an accessible location that can be easily serviced) and provided with a water meter, touchpad, or approved devices so that readings can be made from a register fastened to the outside of the residence. All meters installed in new residential single and duplexes must be equipped with a touchpad. The cost of the touchpad is included in the permit fee.
- 21) At no time shall water meters be installed in washrooms.
- 22) In business or manufacturing districts, the location of the meter shall be at the discretion of the foreman of the water department.
- 23) Tapping and cutting on a water main: All applicants for permits to connect water service pipes with any supply pipe must be made to the building department. Said water connection shall be of copper, type K tubing for two-inch and under. Three and four-inch diameter shall be ductile iron, and for six-inch and over, ductile iron pipe. The water connection for two-inch type K copper or under shall be of the Mueller "O" ring type or its approved equivalent, all furnished by a licensed plumber. Connections shall be made by a licensed plumber after a permit has been issued and paid for, as heretofore provided.
- 24) For all connections requiring a service three inches or larger in diameter, the connections shall be made with ductile iron fittings and all materials required

therefore shall be furnished and installed by a licensed plumber. The fee shall be determined and set by village ordinance.

For all connections requiring a water service three inches or larger, one of the following methods will be used:

- A) Cut-in a dry water main will be permitted if agreement can be reached by the water customer effected by a shut-off of water main. Water main valves will be operated by members of the water department only. The connection will be made with ductile iron fittings and all materials required therefore shall be furnished and installed by a licensed plumber.
- B) Cut-in on a water main under pressure will be required if it is not possible or convenient to valve off the section in which the cut is to be made. The connection shall be made with ductile iron Mueller or approved tapping sleeves and tapping valves. The cast iron cover on all vaults will be Neenah Foundry #R-1 015 or approved equal.
- C) Permits shall be taken out before any cut-in on a water main is made. Twenty-four-hour notice of any cut-in must be given to the superintendent of the water department. The location of all cutting-in tees, cutting-in valves, and shut-off valves on any water service or connection two inches or over shall meet with the approval by the plumbing inspector or an authorized agent of the Village of Gurnee Engineering Department. All completed work on water services or connections two inches and over shall be inspected and approved by the plumbing inspector or an authorized agent of the Village of Gurnee Engineering Department before back filling any part of the trench. No valves on any water main shall be operated by any person other than authorized employees of the water or engineering departments.

890.1150(c): At the end of this section, add the following sentence:

Provisions shall be made for drainage of all hydrants.

*Section 890.1190 Water Supply Control Valves and Meter*

890.1190(a): Delete this subsection and replace with: See Section 890.1150(a)(13).

890.1190(b): Delete this subsection and replace with:

See Sections 890.1150(a)(17), 890.1150(a)(18), 890.1150(a)(19), 890.1150(a)(20), and 890.1150(a)(21).

890.1190(d) At the end of this subsection, add the following sentence:

Each unit shall have a main shut-off within the unit, location to be typical in all units, accessible and marked "main shut-off."

*Section 890.1200 Water Service Sizing*

890.1200(a): Change this subsection to read as follows:

*Water service pipe sizing.* The water service pipe from the street main (including the tap) to the water distribution system for the building shall be sized in accordance with Appendix A, Tables, M, N, O, P, and Q. Water service pipe and fittings shall be a minimum one inch diameter. If flushometers or other devices requiring a high rate of water flow are used, the water service pipe shall be designed and installed to provide this additional flow.

890.1200(c): Change the last sentence of this subsection to read as follows:

A developed length of more than 18 inches shall be considered a dead end.

*Section 890.1210 Design of a Building Water Distribution System*

890.1210(b): Delete Exception paragraph without substitution.

890.1210(f): Change this subsection to read as follows:

*Water hammer.* All building water supply systems shall be provided with pipe and cap air chambers. They shall be located at each water outlet or fixture supply termination, and the tops of all risers.

890.1210(f)(1): At the end of this subpart, add the following sentence:

All air chambers shall be 24 × I.D. of pipe serving the fixture supply.

890.1210(f)(2): At the end of this subpart, add the following sentence: See comments above in subsection f).

*Section 890.1220 Hot Water Supply and Distribution*

890.1220(a)(8): Change this subpart to read as follows:

All water heating equipment shall have a properly sized temperature and pressure relief valve, based upon the energy input rating of the heater, shall be installed with the temperature sensing element immersed in the tank.

890.1220(a)(10)(A): Delete this subpart and substitute with the following: Reference 890.1220(a)(8).

*Section 890.1230 Safety Devices*

890.1230(c)(2): Delete the last sentence and change to read as follows: (See Appendix I: Illustrations O.)

890.1230(c)(3): Delete Exception paragraph without substitution.

890.1230(d)(4): Change this subpart to read as follows:

The discharge piping shall discharge indirectly into a floor drain, hub drain, service sink, sump or a trapped and vented P-trap. (See Sections 890.1010 and 890.1050(a), (b), and (c).) The trap must have a deep seal to protect against evaporation. (The use of a light grade oil in the trap will retard evaporation).

*Section 890.1240 Miscellaneous*

890.1240 Change this section to subsection a) and add the following subsections:

- a) Drain cock. All storage tanks shall be equipped with drain cocks.
- b) Fire suppression and protection:
  - 1) The licensed plumber for the project shall install the backflow protection for any fire suppression system, including all inlet piping to said valve. No exceptions.
  - 2) In any building where a suppression system is not installed, the plumber shall provide a sprinkler head in front of and within five feet of any gas burning boiler, water heater, or furnace.
  - 3) The length of the branch supplying the head is restricted to a maximum length of 18 inches. Any run exceeding 18 inches shall be provided with a double check valve. Alternate, redesign piping to provide continuous flow past head when domestic water is drawn.
  - 4) For residences, a 1653 pendant sprinkler head shall be used.
  - 5) Appliance locations and arrangements may require more than a single head in residences.
- c) Irrigation, lawn sprinkler, swimming pools, or any other system requiring backflow protection. Said device shall be installed by the licensed plumber.

890. Appendix I Illustration J: Add the following: See Revised Illustration J.

890. Appendix I Illustration L: Add the following: See revised Illustration L.

890. Appendix I Illustration M: Add the following: See Revised Illustration M.

890. Appendix I Illustration N: Delete without substitution.

*890 Appendix I Illustrations for Subpart I*

890. Appendix I Illustration A: Add the following:

Reference Village of Gurnee cross-control connection ordinances or administrative authority for assistance in the requirements and design of the system.

890. Appendix I Illustration H: Add the following: See Revised Illustration H.

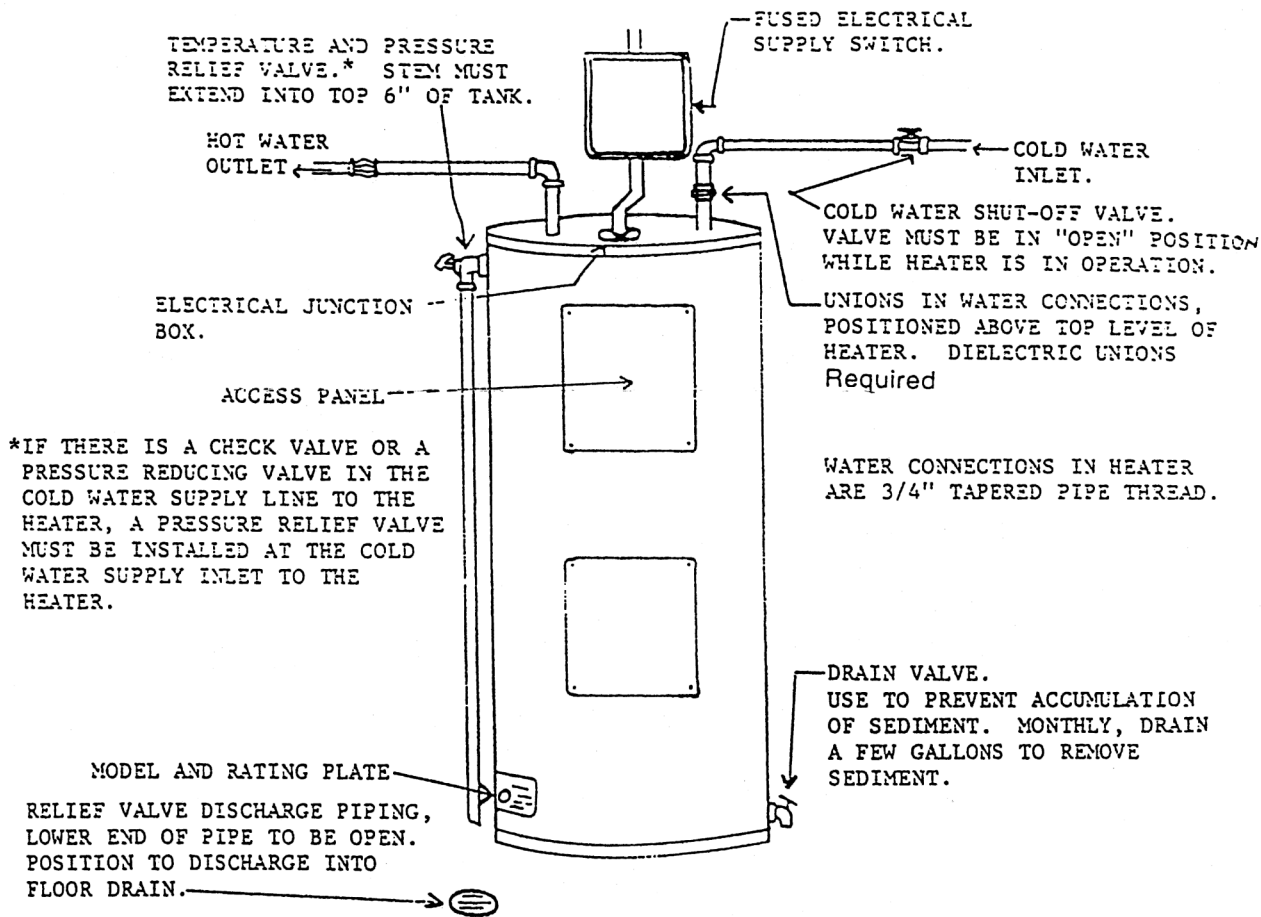
890. Appendix I Illustration I: Delete without substitution.



Section 890.Appendix I Illustrations for Subpart I

ILLUSTRATION M Typical Electric Water Heater

(Referenced in Section 890.1220(a)(1))

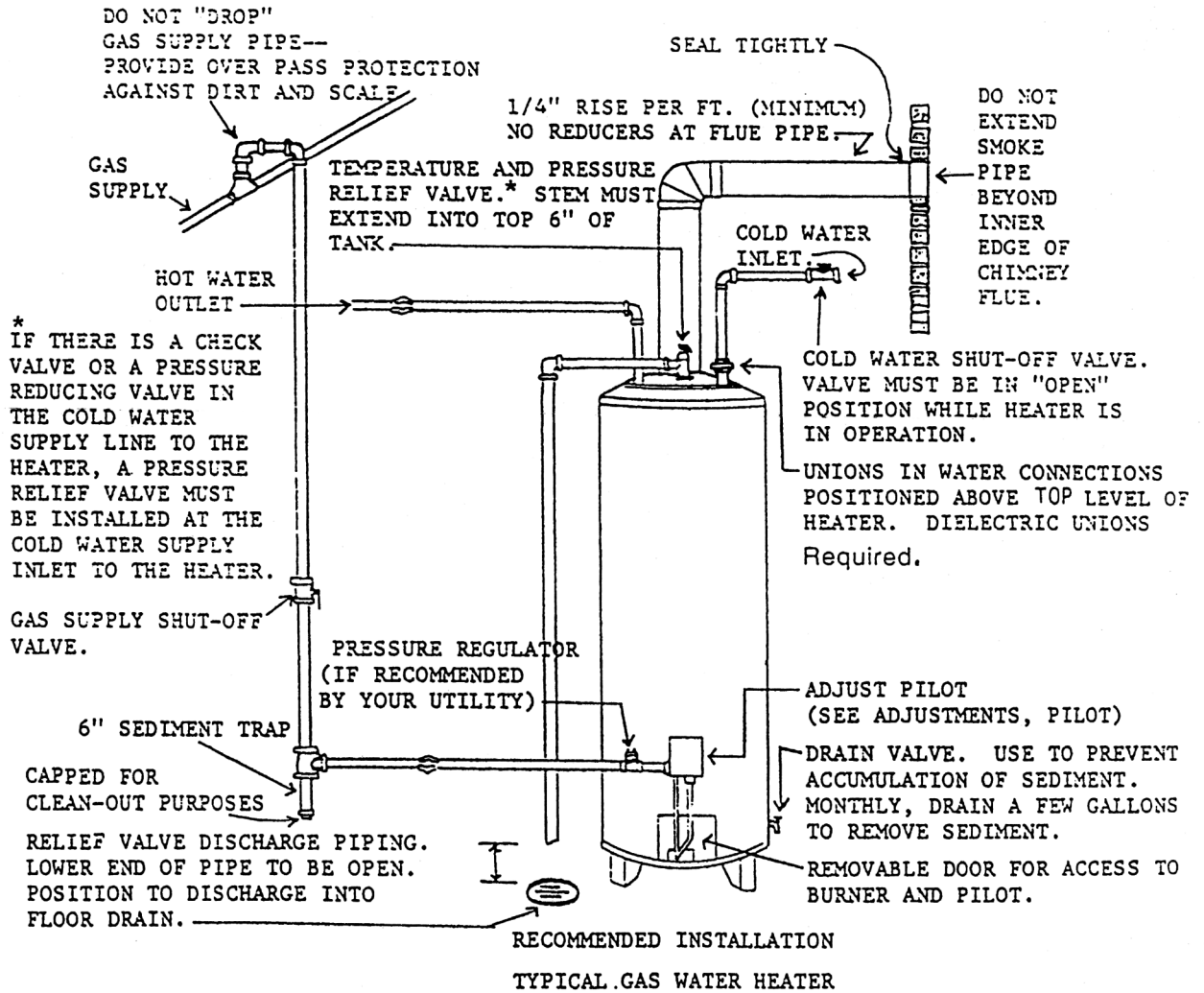


RECOMMENDED INSTALLATION  
TYPICAL ELECTRIC WATER HEATER

Section 890. Appendix I Illustrations for Subpart I

ILLUSTRATION L Typical Gas Water Heater

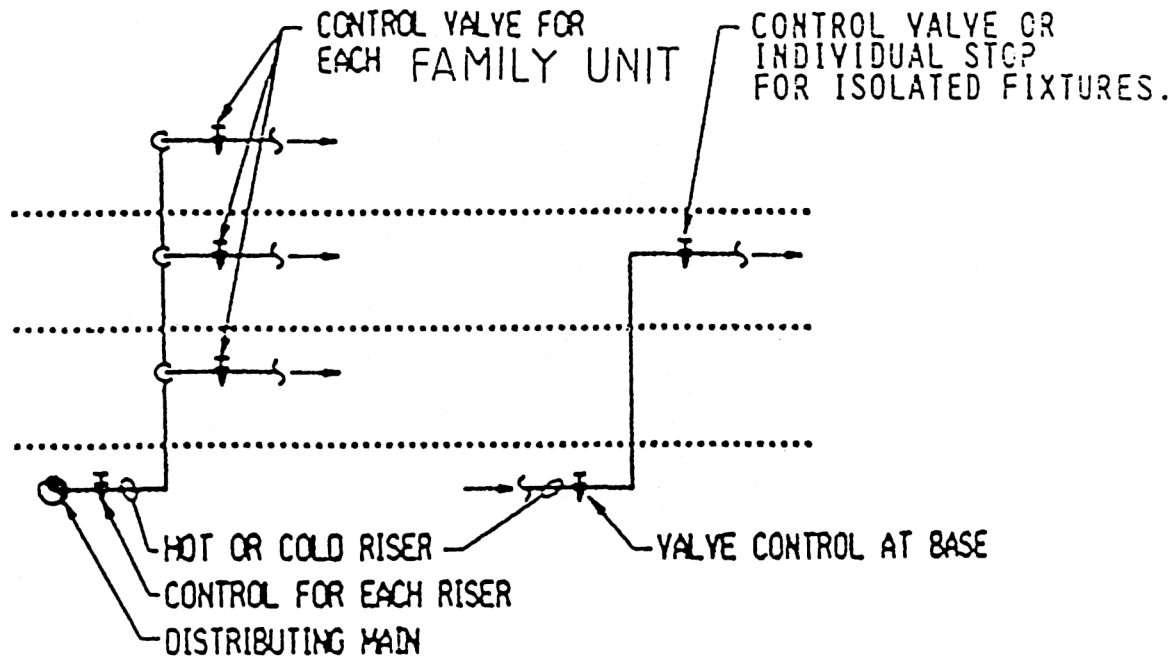
(Referenced in Section 890.1220(a)(1))



Section 890.Appendix I Illustrations for Subpart I

ILLUSTRATION J Separate Controls for Each Family Unit

(Referenced in Section 890.1190(d))

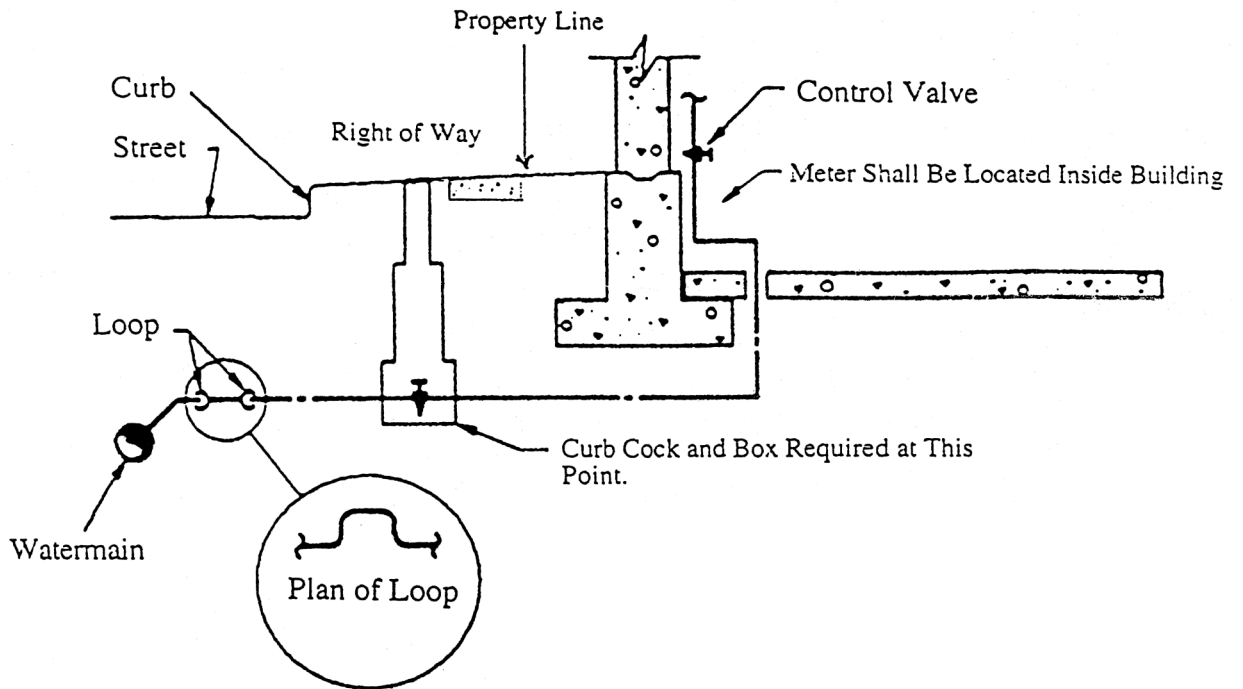




Section 890.Appendix I Illustrations for Subpart I

ILLUSTRATION H Water Supply Control

(Referenced in Section 890.1190(a) & (b))



*Section 890.1310 Materials*

*890.1310(a):* At the end of this subsection add the following: See revised list Appendix A Table A.

*Section 890.1320 Drainage System Installed*

*890.1320(a):* Change this subsection to read as follows and add the following subparts:

- a) *Drain - filled ground.* A building drain installed in filled ground shall be of cast iron.
  - 1) All underground building drains shall be of cast iron soil pipe to five feet outside the building wall minimum.
  - 2) Every new main or branch soil waste and vent pipe within a building shall be of cast iron.
  - 3) Vertical riser stubs - No galvanized steel, PVC, or copper pipe 18 inches or more in length shall be installed underground, unless installed inside a shaft or housing where the pipe is not in direct contact with the ground.
  - 4) Liquid wastes of a temperature exceeding 160 degrees Fahrenheit shall not discharge into any drain or sewer. Wastes of a higher temperature shall not discharge directly into any drain or sewer. Wastes of a higher temperature shall be intercepted and cooled to 160 degrees Fahrenheit, or less. Inside blow-off basins shall be of cast iron and shall be trapped and vented to the outside of the building by means of a vent pipe through the roof.
  - 5) See Section 890.1910 and 890.1920 - Inspection Requirements.
  - 6) Plumbers shall see that sand, limestone screenings, or pea fill is covered over underground piping after the inspection is made.
  - 7) Thru foundation wall installation of building sewer shall be of Class 52 ductile iron ASTM-A-377-1984.

*890.1320(b):* Change this subsection to read as follows and add the following subparts:

- b) *Existing drain and sewer installation:* Existing drain, waste, vent, and sewer may be used in the renovation of the plumbing system of an existing structure if they are in serviceable condition and the materials conform with Appendix A, Table A, "Approved Building Drainage/Vent Pipe" and "Approved Materials for Building Sewer." If the old work is found defective, the administrative authority shall notify the owner to make the necessary changes to conform with this code.

*Independent system.* The drainage and plumbing system of each new building and of new work installed in an existing building shall be separate from and independent of that of any other building, except as provided below, and every building shall have an independent connection with a public or private sewer when available.

*Exception.* Where one building stands in the rear of another building on one lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, the house drain from the front building may be extended to the rear building and the whole will be considered as one house drain.

*890.1320(i):* Delete the Exception paragraph without substitution.

*890.1320(j):* At the end of this subsection, add the following: Extrusion of branch inlets into copper DWV is prohibited.

*890.1320(l):* At the end of this subsection, add the following: See Section 890.1520 Circuit and Loop Venting.

*890.1320(m):* Change this subsection, to read as follows:

*Back-to-back fixtures.* Back-to-back fixtures shall be installed with fittings that will prevent mixing of the discharge prior to a change in direction of flow of the discharge from each fixture, or shall be installed with fittings espe-

cially designed to eliminate throw-over or backflow of the discharge from one fixture to the other fixture in horizontal installations. For vertical wastes, crosses only shall be used. See *Hydraulic Gradient*, Section 890.1490.

*Section 890.1340 Determination of Sizes for Drainage System*

*890.1340(d)*: Change this subsection to read as follows:

Stacked tees are prohibited for kitchen sinks. All sink waste openings shall be continuously vented within 18 inches of trap inlet. Arms are prohibited. A two-inch cleanout shall be provided at trap connections.

*890.1340(e)*: Change this subsection to read as follows:

*Future fixtures*: When provision is made for the future installation of fixtures, those provided for shall be considered in determining the required size of drain and vent piping during initial construction. Piping provided for such future installation of fixtures may be terminated with a plugged fitting or fittings at the stack so as to form no dead ends, or the waste and vent system may be completed and tested. Future basement rough-ins shall have a vent run from each opening in the floor to the building venting system.

*Section 890-1360 Sanitary Wastes Below Sewer*

*890.1360(a)(1)*: At the end of this subpart, add the following:

The Village of Gurnee prohibits gravity drainage of any fixture below grade, including floor drains directly into the sanitary system. All fixtures shall discharge into a proper ejector pit and be pumped into the elevated sanitary main drain or stack. Said pump discharge piping shall be metal or solid core PVC, and have a full port valve and a solid check valve installed. See Appendix J, Revised Illustrations K and L.

*890.1360(a)(2)*: At the end of this subpart, add the following:

Ejector pits that have been damaged or modified to assist sub-soil drainage shall be replaced.

*890.1360(b)*: At the end of this subsection, add the following:

Ejector pits shall be a minimum 30 inches in depth. The pit shall be sized to the potential D.F.U. load.

*890.1360(c)*: At the end of this subsection, add the following:

All floor drains shall be vented.

*890.1360(f)*: Delete this subsection and substitute with the following: See Section 890.1320(a)(4).

*Section 890.1370 Floor Drains*

*890.1370(a)*: At the end of this subsection, add the following:

A vented floor drain shall be provided at the location of any RPZ backflow preventer to receive its discharges. Floor drains shall be provided in all laundry rooms with concrete floors, residential or commercial.

*890.1370(a)(1)*: Delete this subpart and substitute with the following: All floor drains shall be vented.

*890.1370(a)(2)*: Change this subpart to read as follows:

Each floor drain shall be connected to a sanitary waste drain, except hub drains receiving only clear water discharges which may be connected to the sub-soil drainage system. Any sump or hub drain for receiving clear water waste shall extend two inches above the floor, and all indirect clear water waste lines shall be above the floor level. Top of pits damaged or modified shall have a concrete curb poured two inches high by four inches wide around its perimeter. Any floor drain level with the floor shall discharge to a sanitary waste drain (See Appendix A: Tables F and Revised Table 1.

*890.1370(a)(4)*: Delete this subsection and substitute with the following: See Section 890.1370(a)(3).

*890.1370(b)*: Change this subsection to read as follows:

Each floor drain shall be sized for its intended use and the surface area that it drains. Any

floor drain installed below a basement floor or underground shall be no less than four inches in diameter.

890.1370(d): Change this subsection to read as follows: *Provision for Evaporation*. Floor drain seals subject to evaporation shall be of the deep seal type and may be filled with vegetable oil. Trap primers are prohibited.

890.1370(e)(3): Change this subpart to read as follows:

Floor drains shall be indirectly discharged to the drainage system.

*Section 890.1380 Stormwater Drainage Within a Building*

890.1380: Change this section to subsection a) as follows and add the following subsections:

- a) Any piping installed within a building for the purpose of carrying stormwater shall conform with the requirements of Appendix A, Table A ("Approved Building Drainage/Vent Pipe"), and Sections 890.910 through 890.930, and Section 890.420.
- b) Drainage required. Roofs, paved areas, yards, courts, and courtyards shall be drained into a storm sewer system where such systems are available.

Stormwater shall not be drained into sanitary sewers.

- c) Sub-soil drains shall discharge into a sump. Such sumps do not require vents.
- d) All buildings, except above grade slab construction, shall be required to have a proper sub-soil drainage system. All sump pumps and sump pump discharge lines shall be no less than 1½ [inch] diameter, and have a vertical check. The piping shall be secured to the building. Cellular core PVC is prohibited for pressurized piping. An air gap shall be provided at the sump pump discharge line to the storm sewer. See Appendix J Illustration M.
- e) Sump pump discharges shall meet Village of Gurnee Engineering Department requirements.

[f] Reserved.]

[g] Reserved.]

h) All drains within buildings, when underground, shall be of cast iron soil pipe to a distance beyond the footings or bearing walls to undisturbed earth, and in no case less than five feet.

i) No traps shall be required for stormwater drains which are connected to a sewer carrying stormwater.

An area well drain for an enclosure to an air intake of a ventilating unit shall be trapped.

j) Conductors and connections.

- 1) Conductor pipes shall not be used as soil, waste, or vent pipes; nor shall soil, waste, or vent pipes be used as conductors.
- 2) Rainwater conductors installed along alley ways, driveways, or other locations where they may be exposed to damage shall be protected by metal guards, recessed into the wall, or constructed from standard weight galvanized steel pipe or equivalent.
- 3) Expansion joints shall be provided where warranted by temperature variations or physical conditions, as per manufacturer's installation instructions.
- 4) All piping within the interior, vertical, or horizontal shall be secured and supported, as per Subpart G, all subsections.
- 5) All PVC fittings shall bear an ASTM design number embossed into it, or an approved manufacturer's label. A cleanout shall be provided at the base of each leader. Cleanouts shall follow Section 890.420 guidelines.

k) Roof drains.

- 1) Roof drains shall be of cast iron, or other acceptable corrosion-resisting material.
- 2) All roof areas, except those draining to hanging gutters, shall be equipped with roof drains having strainers

extending not less than four inches above the surface of the roof immediately adjacent to the roof drain. Strainers shall have an available inlet area, above roof level, of not less than  $1\frac{1}{4}$  times the area of the conductor or leader to which the drain is connected.

- 3) Roof drain strainers for use on sun decks, parking decks, and similar areas normally serviced and maintained may be of the flat surface type, level with the deck and shall have an available inlet area not less than two times the area of the conductor or leader to which the drain is connected.
  - 4) The connection between roofs and roof drains which pass through the roof and into the interior of the building shall be made watertight by the use of proper flashing or roofing material.
  - 5) Roof drains shall be mounted in deck sump pans on metal sheated roofs. The head shall be secured to the sump pan with the manufacturer's specific under deck clamping hardware. These types of installations shall be provided with an approved expansion joint at the heads outlet.
  - 6) Roof drains mounted in wood or concrete decks shall be securely attached with under deck mounting hardware, with provisions for piping expansion.
- 1) PVC piping penetrating fire rated assemblies shall be protected with fire collars, or as per Village of Gurnee code requirements.

*890. Appendix J Illustration L:* Add the following: See Revised Illustration L.

*890. Appendix J Illustration M:* Add the following: See Revised Illustration M.

*890 Appendix J, Illustrations for Subpart J*

*890. Appendix J Illustration E:* Add: Circuit Venting is prohibited.

*890. Appendix J Illustration K:* Add the following: See Revised Illustration K.

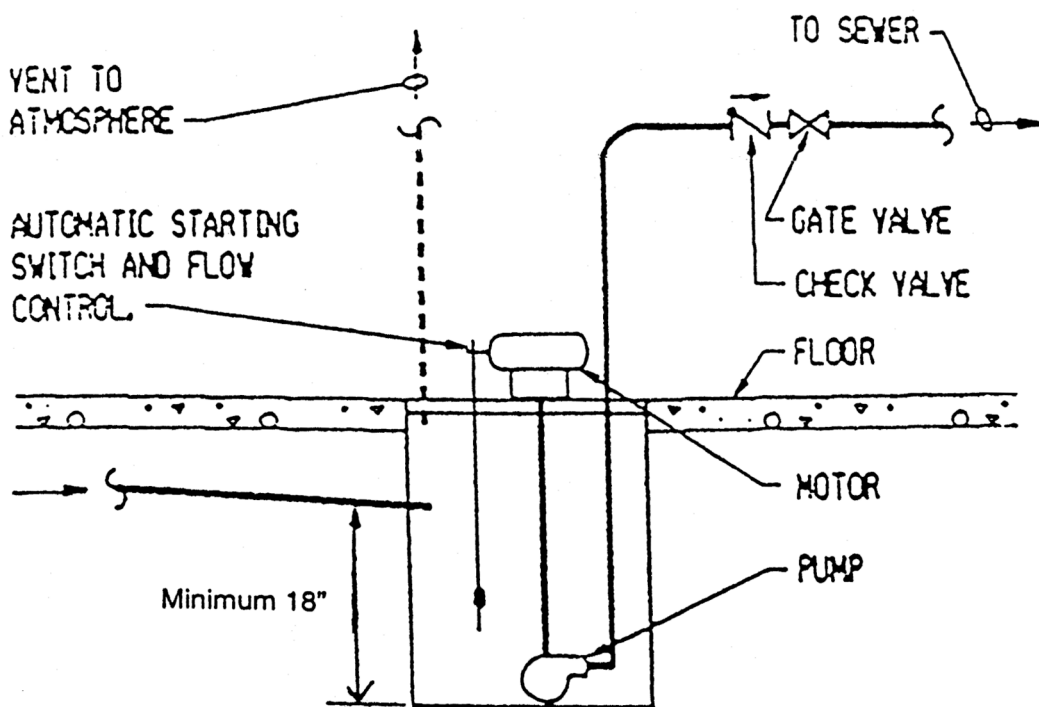
§ 18-192

GURNEE MUNICIPAL CODE

Section 890.Appendix J Illustrations for Subpart J

ILLUSTRATION K Drainage Below Sewer Level

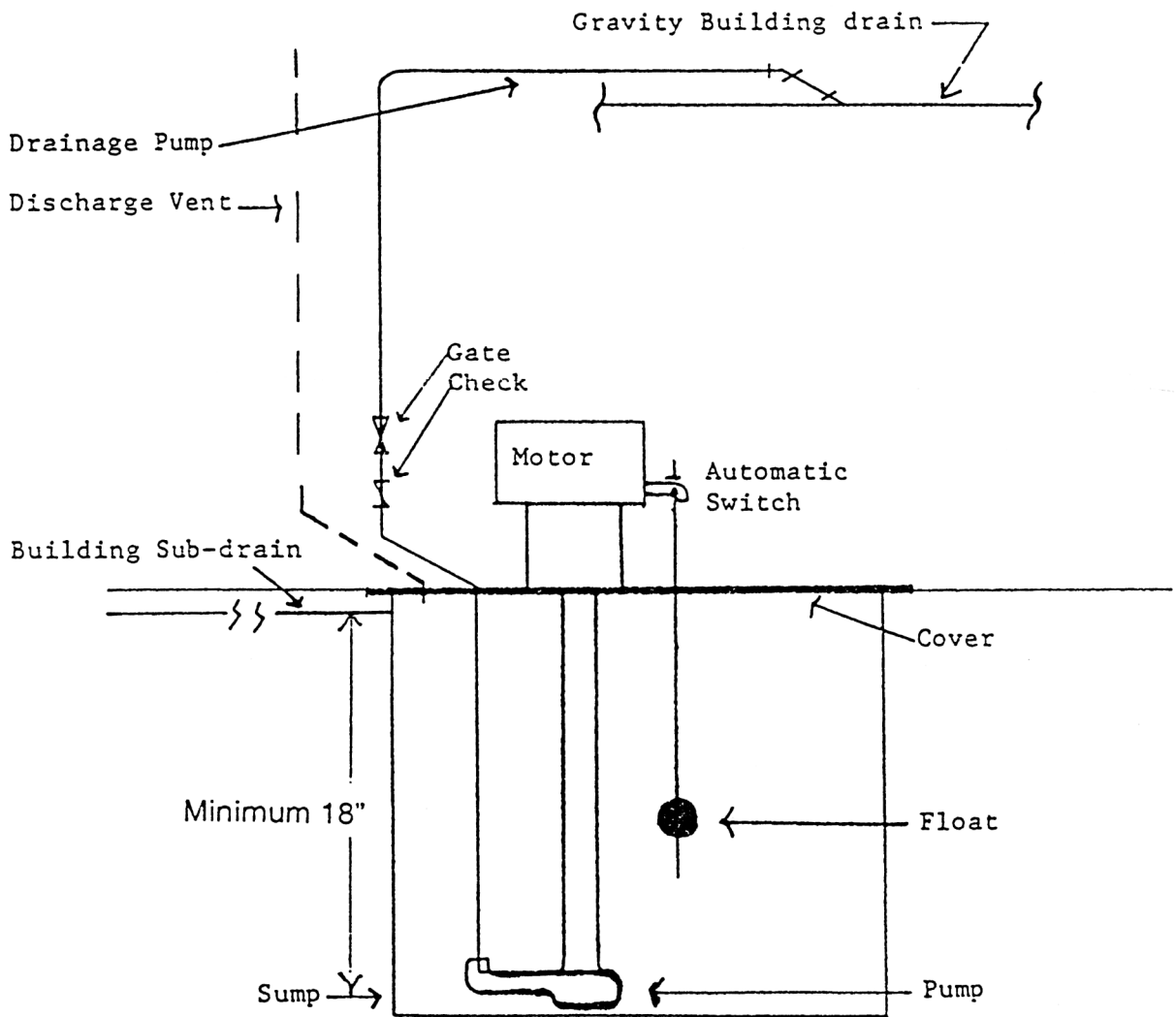
(Referenced in Section 890.1360(a)(1))



Section 890.Appendix J Illustrations for Subpart J

ILLUSTRATION L Sanitary Wastes Below Sewer

(Referenced in Section 890.1350(a)(1))





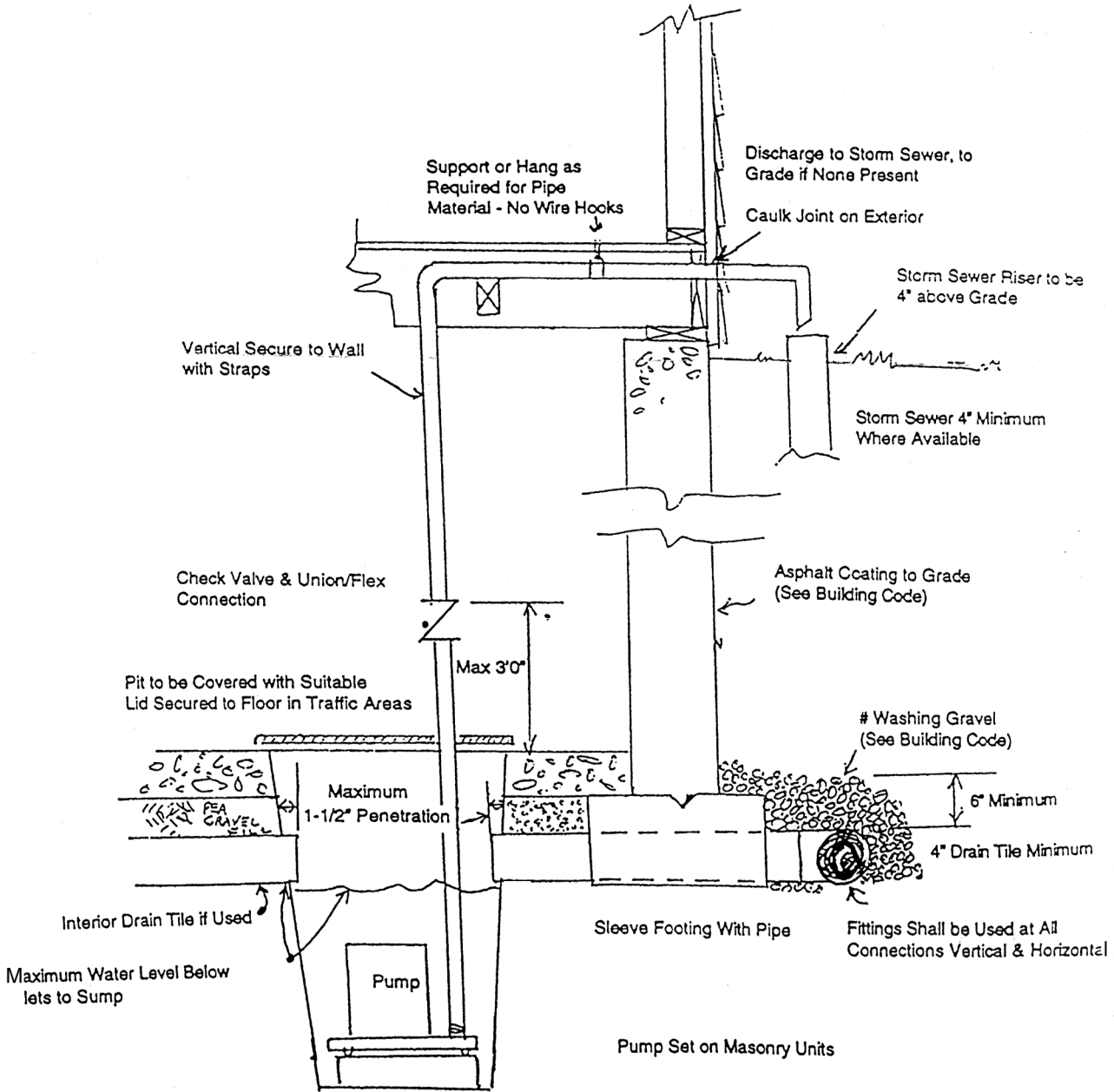
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GURNEE MUNICIPAL CODE

SECTION 890.APPENDIX J ILLUSTRATIONS FOR SUB-PART J

ILLUSTRATION M

Referenced in Section 890.1380 (d)





*890.1420 Stack Vents, Vent Stacks, Main Vents*

*890.1420(a):* At the end of this subsection, add the following: 890.410(f)(3) regarding trap primers.

*890.1420(b):* At the end of this subsection, add the following: Delete upper illustration showing lavatory arm.

*890.1420(d):* Change this subsection to read as follows:

*Main stack.* Each building, habitable dwelling unit, or commercial occupied space in which plumbing is installed shall have at least one main vent stack no smaller than three inches for each building drain installed. Every main vent or vent stack shall connect full size at its base to the main soil or waste pipe at or below the lowest fixture branch, and shall be reconnected with the main soil or waste vent not less than six inches above the spill line of the highest fixture, or shall be extended to and increased in size at the roof. (See Appendix A: Table K and Appendix K: Illustration C).

*890.1420(e):* At the end of this subsection, add the following subsection:

- f) In all new or remodeled work there shall be a two-inch vent pipe brought below the basement ceiling for future basement fixtures, whether roughed in or not. The vent shall be capped or plugged in case the fixtures are not installed.

*Section 890.1430 Vent Terminals:*

*890.1430(c):* Change this subsection to read as follows:

*Location of vent terminal.* No vent terminal from a drainage system shall be directly beneath a door, window, overhang, or other ventilating intake opening of the building, nor shall any such vent terminals be within 12 feet horizontally of such an opening unless it is at least five feet above the top of such opening. (See Appendix K: Illustration E, Revised).

*890.1430(d):* At the end of this subsection, add the following:

See Village of Gurnee Building Code regarding false walls.

*Section 890.1440 Vent Terminal Size*

*890.1440(a):* Change this subsection to read as follows:

*Vent terminal size.* Each vent extension through the roof shall have a diameter at least one inch greater than that of the pipe proper; but in no case shall it be less than three inches in diameter through and above the roof.

*890.1440(b):* At the end of this subsection, add the following: See Section 890.380(a).

*Section 890.1450 Vent Grades and Connections*

*890.1450(b):* At the end of this subsection, add the following: See Revised Drawing.

*890.1450(d):* At the end of this subsection, add the following subpart:

- 1) See Village of Gurnee Building Code regarding penetration limitations and requirements, (i.e., a two-inch vent line requires a 2<sup>9</sup>/<sub>16</sub> " diameter hole. A hole this size can not be drilled in a load bearing nominal two-inch by four-inch structural framing member).

*890.1450(e):* Change this subsection to read as follows:

*Heel or side-inlet bend.* A heel or side-inlet quarter bend or closet bend shall not be used as a dry or a wet vent when the inlet is placed in a horizontal position of a waste line (See Appendix K: Illustration I Revised Drawings).

*Section 890.1460 Fixtures Back-to-Back*

*890.1460:* Change this section to read as follows:

*Distance.* Two fixtures set back-to-back, within the distance allowed between a trap and its vent 18 inches center to center, may be served with one continuous soil or waste vent pipe, provided that each fixture discharges separately into an approved double fitting having inlet openings at the same level. (See Section 890.1480(b), and Appendix K: Illustration K Revised Drawings).

*Section 890.1470 Fixture Trap Vents*

890.1470(a): At the end of this subsection, change the following: Appendix A: Table I to Appendix A: Table I Revised.

*Section 890.1480 Types of Fixture Trap Vents*

890.1480(c): Change this subsection to read as follows:

*Vertical wet vent.* A vertical wet vent may be used for two fixtures set on the same floor level, but connecting at different levels in the stack, provided the vertical drain and vertical vent is one pipe diameter larger than the upper fixture drain and that both drains conform to Appendix A: Table I. (See Appendix K: Illustration P and O Revised).

*Section 890.1490 Installation of Vents for Fixture Traps*

890.1490(b) Change this subsection to read as follows:

*Differing level.* If any stack has fixtures entering at different levels, the fixtures other than the fixtures entering at the highest level shall be vented.

890.1490(c): Change this subsection to read as follows:

*Horizontal branch drains.* Where a water closet discharges into a branch drain, each fixture discharging into that branch drain shall be individually vented.

*Section 890.1500 Installation of Wet Venting*

890.1500(a): Change this subsection to read as follows: Single Bathroom Groups.

890.1500(a)(1): Delete this subpart without substitution.

890.1500(a)(2): Change this subpart to read as follows.

The horizontal branch shall be a minimum of two inches and connect to the stack at the same level as the water closet drain. (See Appendix K: Illustration S Revised).

890.1500(a)(2): At the end of this subpart, add the following subparts:

- 3) Wet venting is permitted for fixtures on the same floor and in the same room only

(i.e. water closet and lavatories, a floor drain and laundry tray or stand pipe). Consult with the plumbing inspector for approval of any wet vent application.

- 4) When a lavatory and water closet are installed on the first floor of any building or structure and the main bath on the second floor, the lavatory on the first floor may be installed on a two-inch vent serving the first floor water closet.

One fixture unit may be installed on a four inch stack above the unvented to water closet or stack connection. When the top water closet is installed in the horizontal portion of an off-set soil stack, it will be necessary to install a fixture above the water closet connection to wash the horizontal portion of such stack. (See Appendix K: Illustration S Revised.)

890.1500(b): Change this subsection to read as follows:

*Double bathroom groups.* Bathroom groups back-to-back on the top floor consisting of two lavatories and two bathtubs or showers may be installed on the same horizontal branch with a common vent for the lavatories and with individual vents for bathtubs or showers, provided the wet vent is two inches in diameter, and the length of the fixture drain conforms to Appendix A: Table E (See Appendix K: Illustration T Revised).

890.1500(c): Change this subsection to read as follows:

*Multistory bathroom groups.* On the lower floors of a multistory building, the waste pipe from one or two lavatories may be used as a wet vent for one or two water closets. (See Appendix K: Illustration V Revised).

890.1500(c)(3): At the end of this subpart, add the following subpart:

- 4) Unit Vents. Where two fixtures are location on opposite sides of walls on the same floor, they may have a common waste and vent.

*Section 890.1510 Stack Venting*

890.1510: Change this section to read as follows:

Delete. Stack venting as described in Section 890 Appendix K: Illustration X. Reference revised illustrations for the needed information.

*Section 890.1520 Circuit and Loop Venting*

890.1520(a): Delete this subsection without substitution.

890.1520(b): Change this subsection to read as follows: *Dual Branches*. These methods are prohibited.

890.1520(c): Change this subsection to read as follows:

*Vent connections*. When the relief vent connections are taken off the horizontal branch, the vent branch connection shall be taken off vertically from the top of the horizontal branch. (See Appendix K: Illustration AA Revised).

890.1520(e): Change this subsection to read as follows:

*Fixture connections*. Delete as written and Illustrations Y and DID.

890.1520(f): Change this subsection to read as follows:

*Loop vented fixtures*: When loop vented fixtures are installed in a multistory building, a relief vent shall be provided at the base connection into the horizontal. This is done by connecting the vent stack, full size, into or near the base of the soil stack, or by connecting the vent stack directly into the horizontal branch near the soil stack. The vent shall be carried full size.

890.1520(f): At this end of this subsection, add the following subsection:

g) *Exceptions*. When architectural designs create a venting problem, circuit venting may be permitted. Consult the administrative authority with drawn designs for written approval before proceeding with the work.

*Section 890.1580 Size and Length of Vents*

890.1580(d): Delete this subsection with no substitution.

*Section 890.1590 Combination Waste and Vent (Floor and Hub Drains Only)*

890.1590: Change this section to read as follows:

*Combination waste and vent*. A combination waste and vent is permitted only where structural conditions preclude conventional plumbing. Submit design drawings for written approval before proceeding with the work.

890.1590(a): Delete this subsection without substitution.

890.1590(b): Delete this subsection without substitution.

890.1590(c): Delete this subsection without substitution.

890.1590(d): Delete this subsection without substitution.

*Section 890.1600 Special Venting for Island Fixtures*

890.1600(b): Change the last sentence of this subsection to read as follows: (See Section 890.1340 and Appendix K: Illustration GG Revised).

*890. Appendix K Illustrations for Subpart K*

890. Appendix K Illustration A: Add the following: See Revised Illustration A.

890. Appendix K Illustration E: Add the following: See Revised Illustration E.

890. Appendix K Illustration G: Add the following: See Revised Illustration G.

890. Appendix K Illustration I: Add the following: See Revised Illustration I.

890. Appendix K Illustration J: Add the following: See Revised Illustration J.

890. Appendix K Illustration K: Add the following: See Revised Illustration K.

890. Appendix K Illustration P: Add the following: See Revised Illustration P.

890. Appendix K Illustration Q: Add the following: See Revised Illustration Q.

890. Appendix K Illustration S: Add the following: See Revised Illustration S.

*890. Appendix K Illustration T:* Add the following: See Revised Illustration T.

*890. Appendix K Illustration V:* Add the following: See Revised Illustration V.

*890. Appendix K Illustration X:* Add the following: See Revised Illustration X.

*890. Appendix K Illustration Y:* Delete this Illustration without substitution.

*890. Appendix K Illustration AA:* Add the following: See Revised Illustration AA.

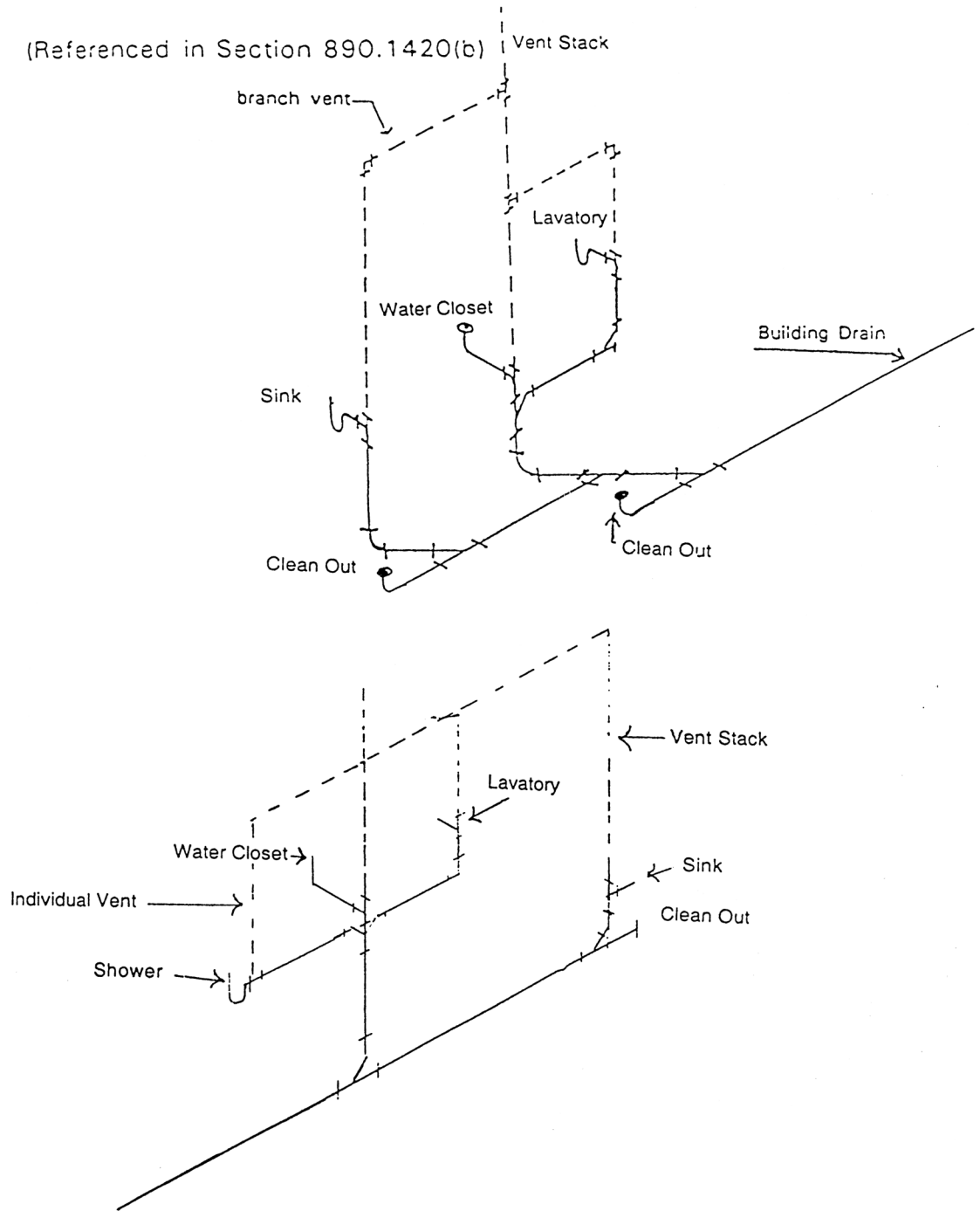
*890. Appendix K Illustration DD:* Delete this Illustration without substitution.

*890. Appendix K Illustration GG:* Add the following: See Revised Illustration GG.

Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION A Installation of Vent Stack or Main Vent

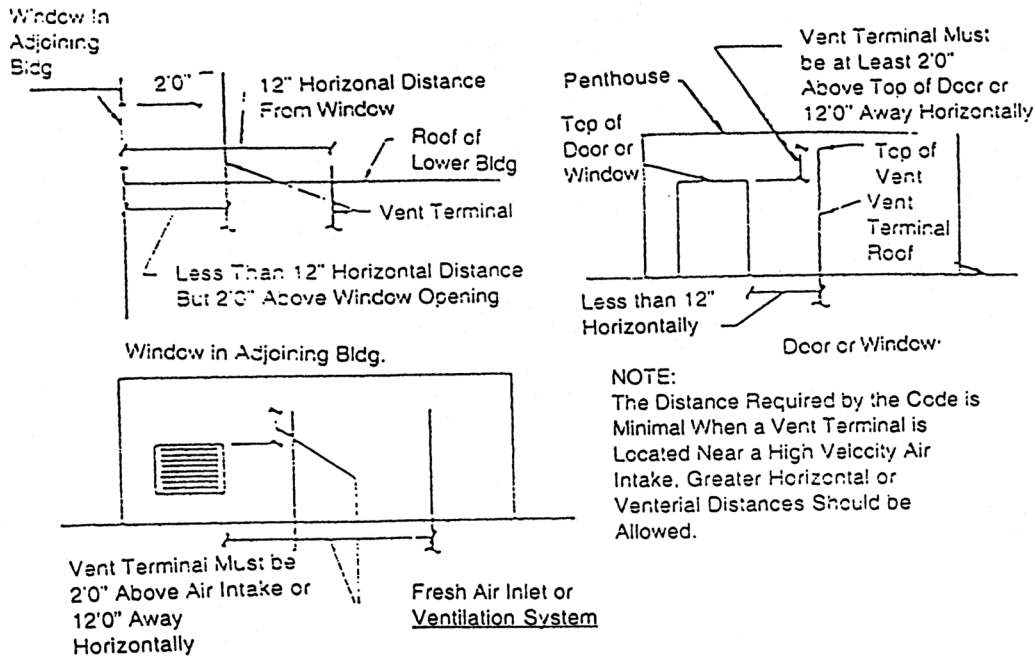
(Referenced in Section 890.1420(b))



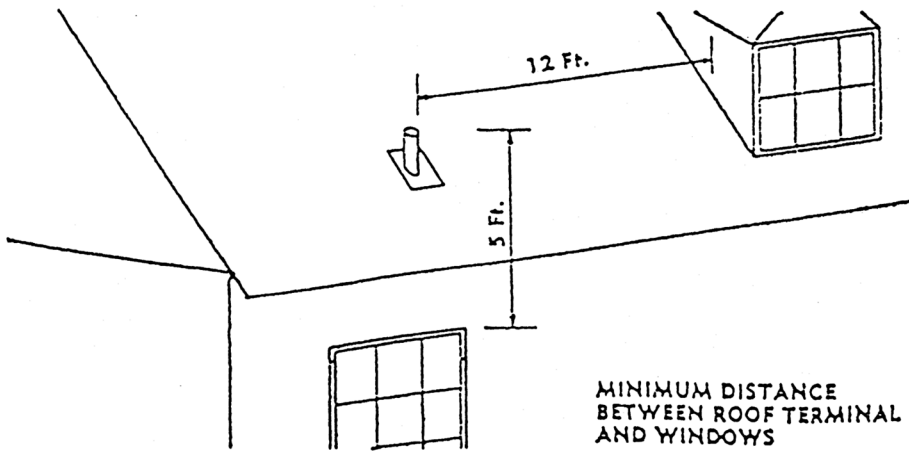
Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION E Location of Vent Terminal

(Referenced in Section 890.1430(c))



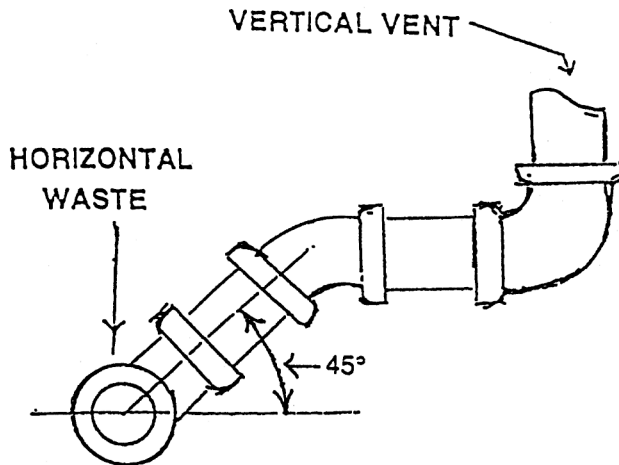
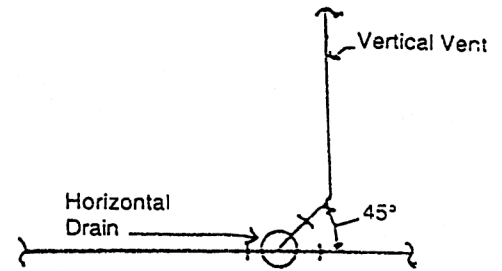
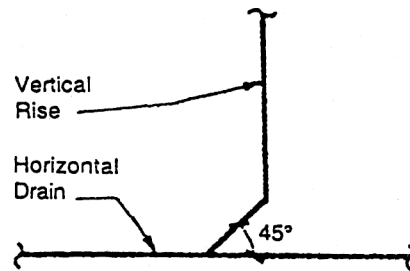
NOTE:  
The Distance Required by the Code is Minimal When a Vent Terminal is Located Near a High Velocity Air Intake. Greater Horizontal or Vertical Distances Should be Allowed.



Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION G Vertical Rise

(Referenced in Section 890.1450(b))

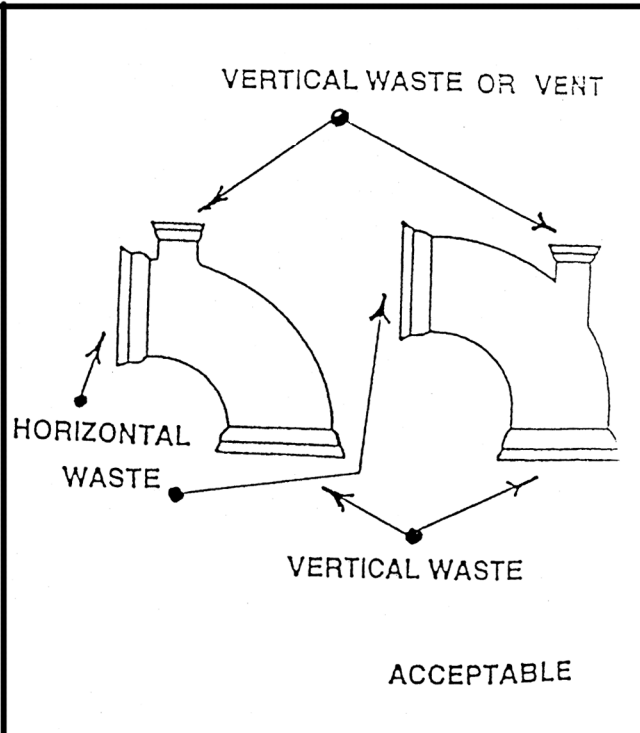
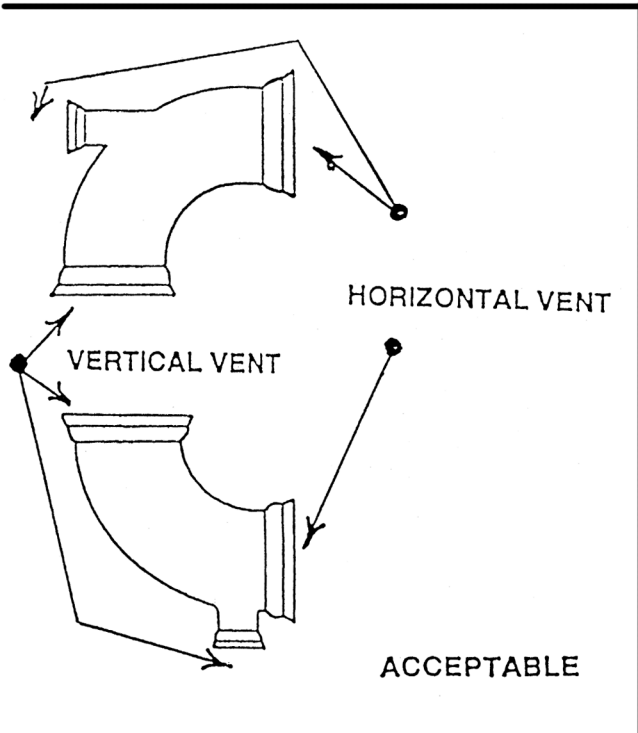
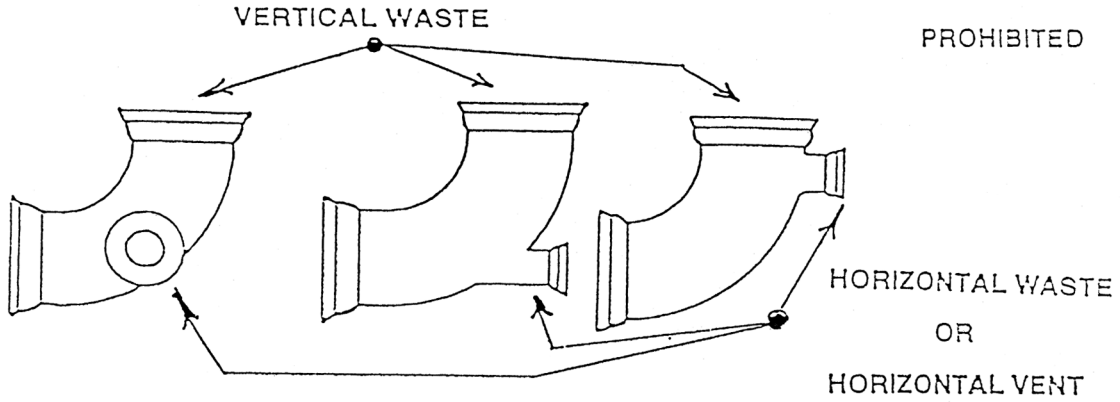




Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION I Quarter Bends

(Referenced in Section 890.1450(e))

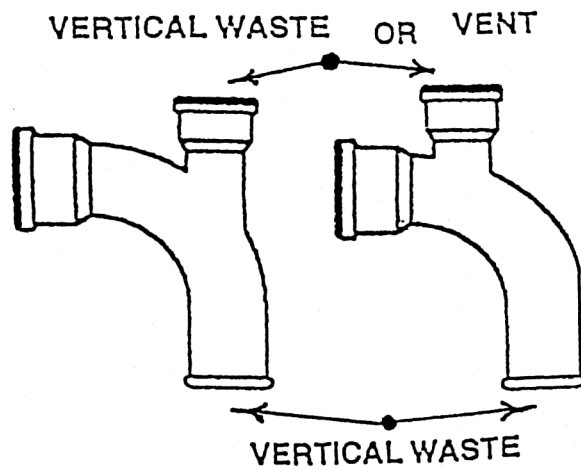
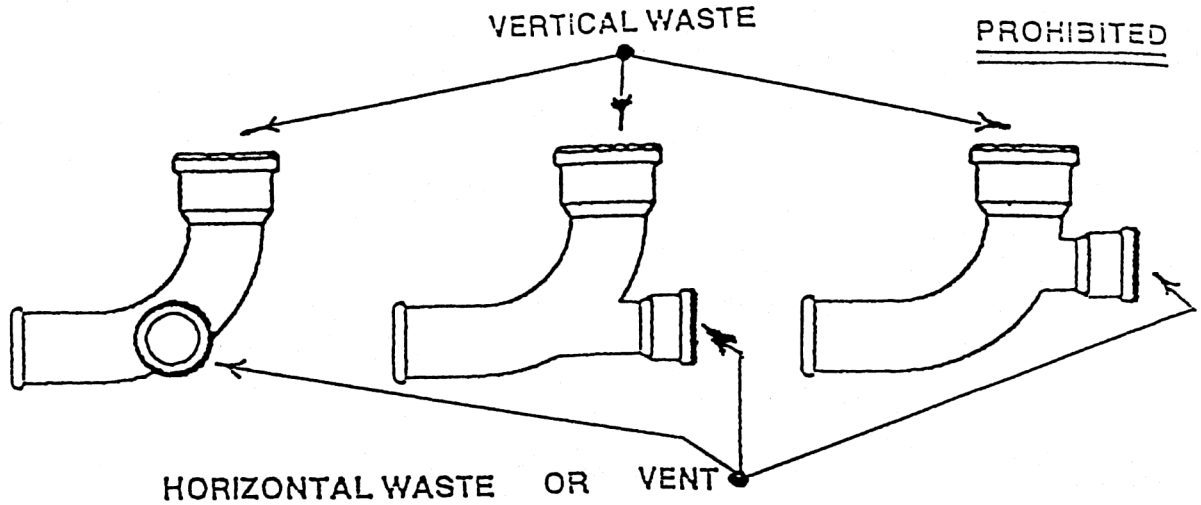




Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION J Heel or Side-Inlet

(Referenced in Section 890.1450(e))



- ACCEPTABLE

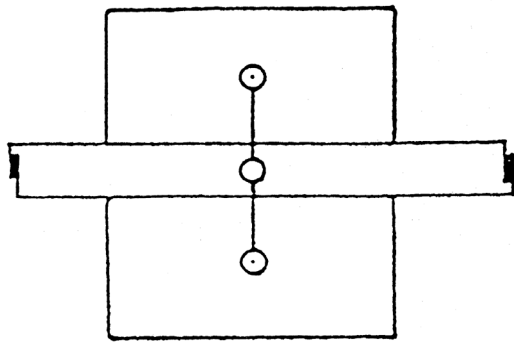
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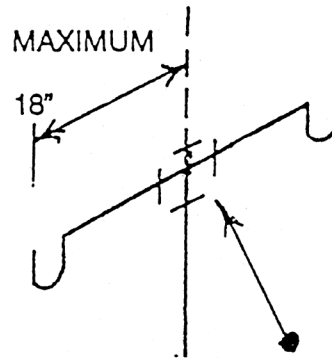
Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION K Fixtures Back-to-Back and Side-by-Side

(Referenced in Section 890.1460)

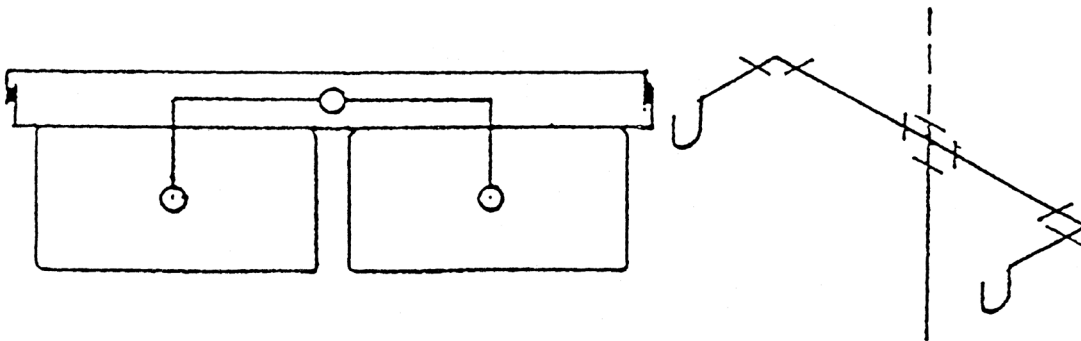


- ACCEPTABLE



A CROSS ONLY SHALL BE USED SEE 890.1490 a)

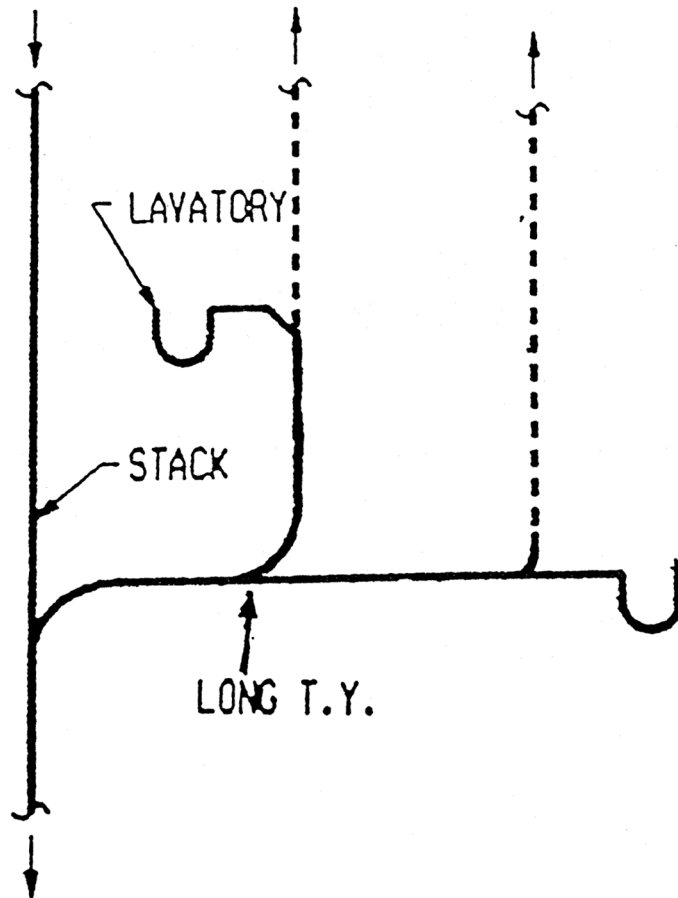
PROHIBITED



Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION P Wet Vent

(Referenced in Section 890.1480(c))



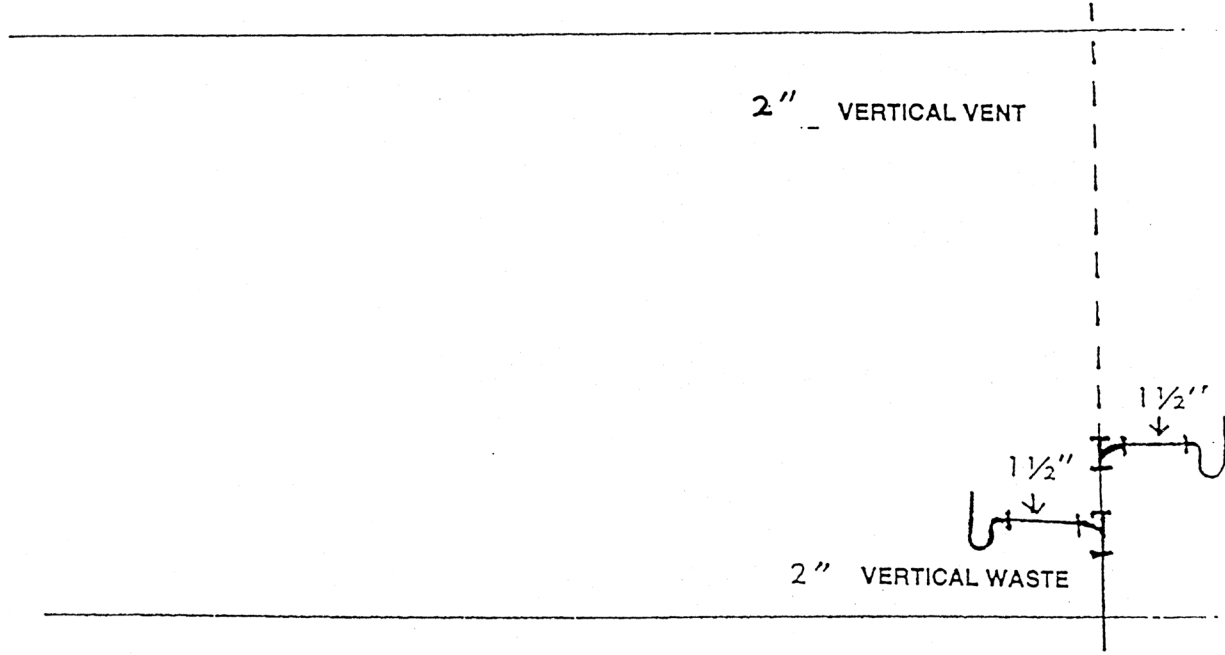
§ 18-192

GURNEE MUNICIPAL CODE

Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION Q Vertical Wet Vent

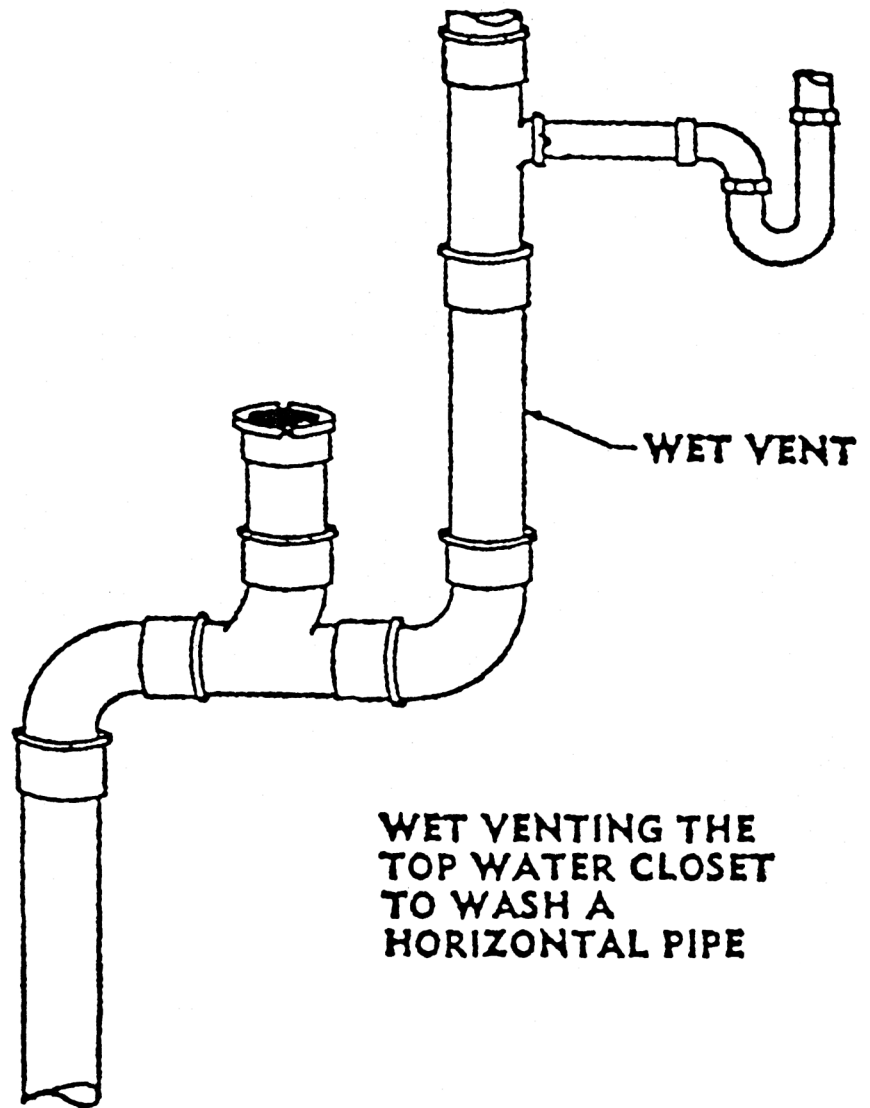
(Referenced in Section 890.1480(c))



Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION S Single Bathroom Groups

(Referenced in Section 890.1500(a)(2))



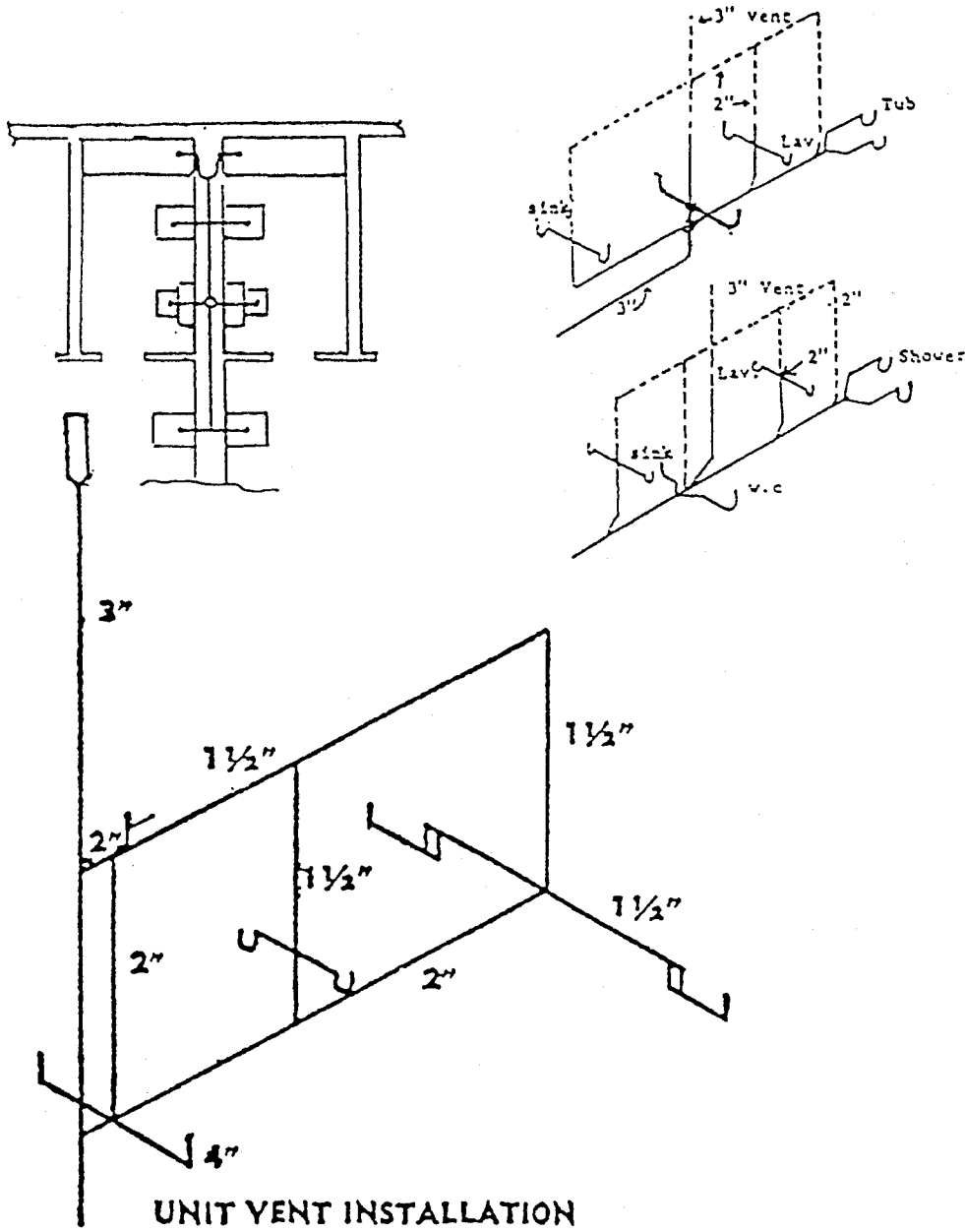
§ 18-192

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Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION T Double Bath

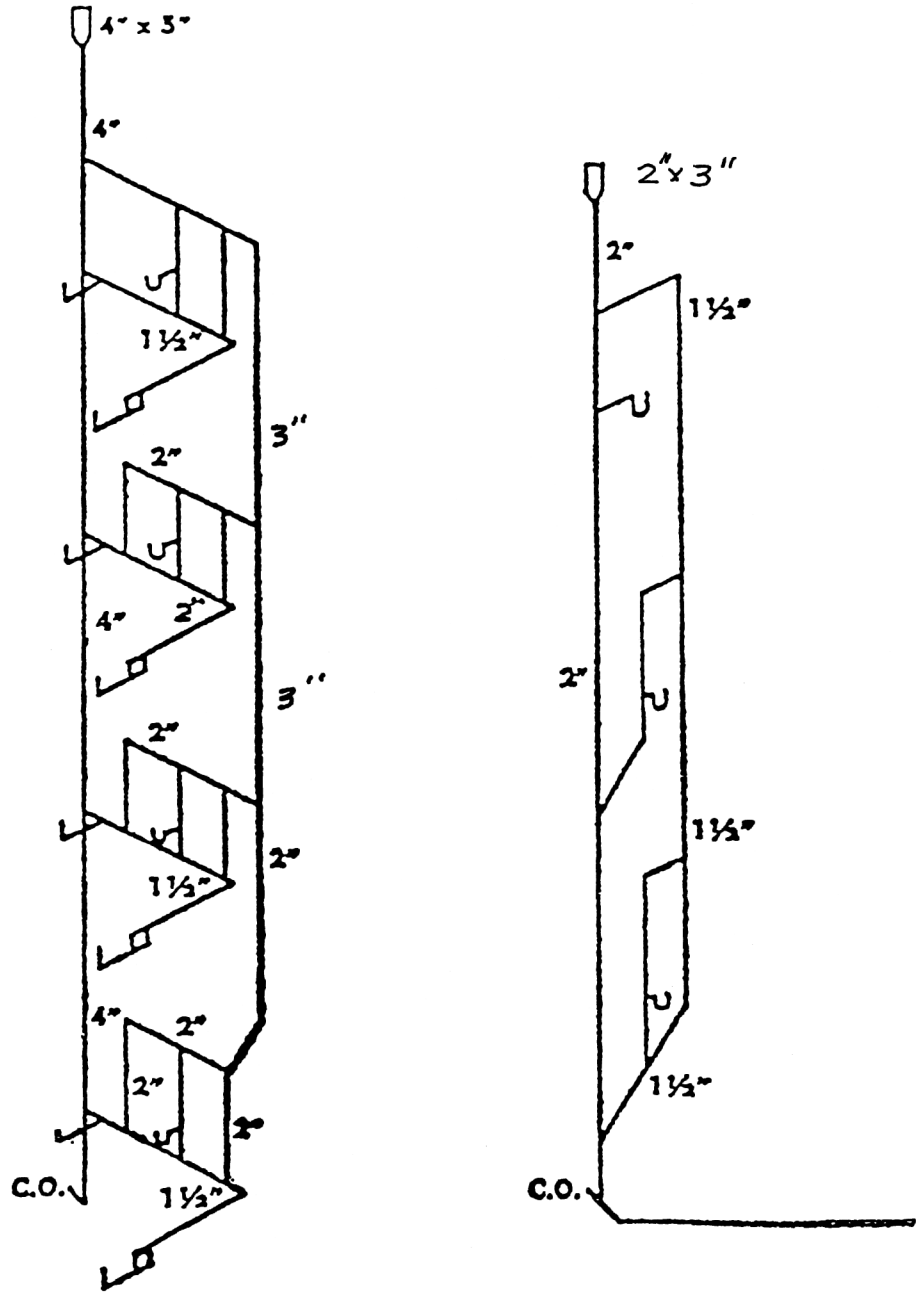
(Referenced in Section 890.1500(b))



Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION V Multistory Bathroom Groups-Elevation

(Referenced in Section 890.1500(c))



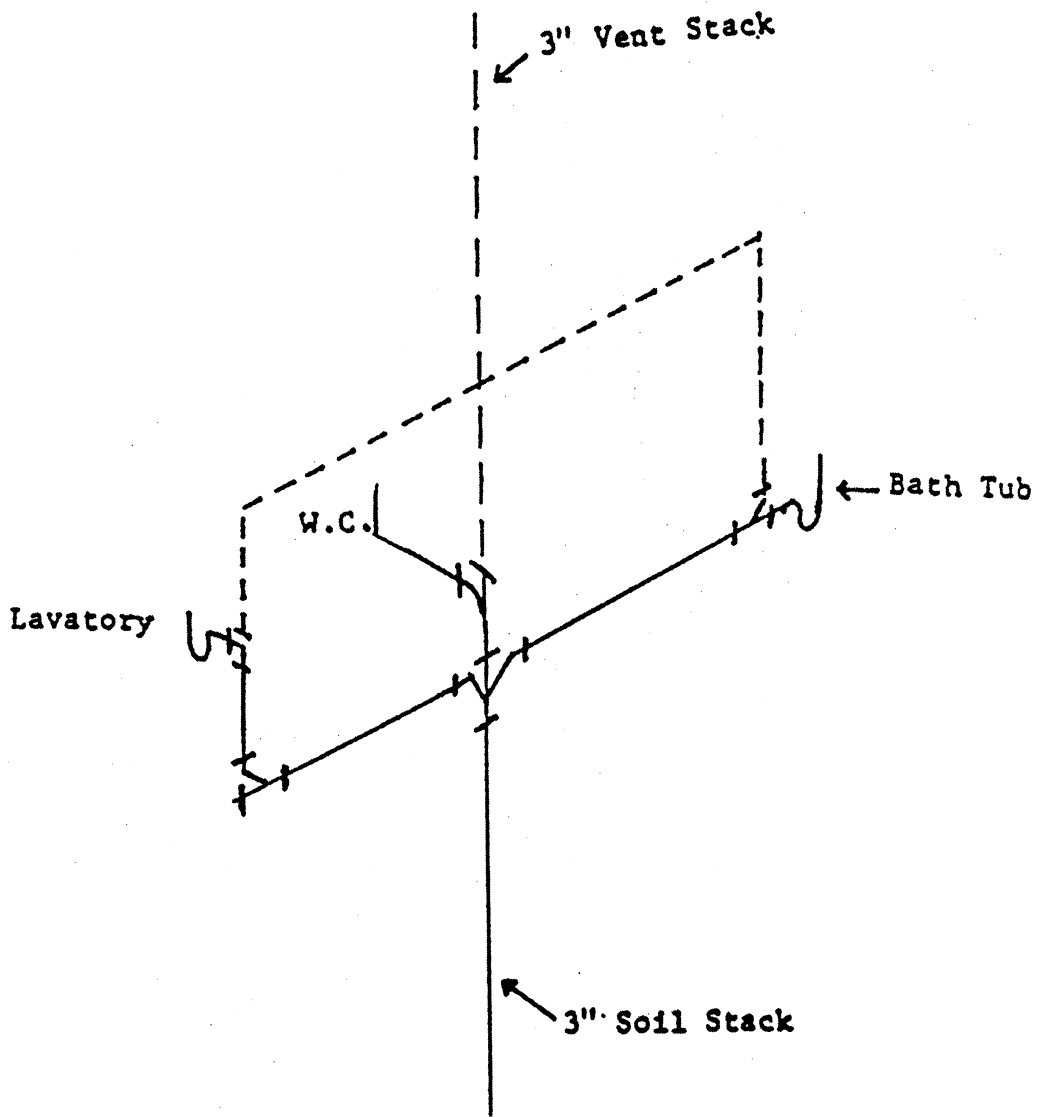
§ 18-192

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Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION X One Bathroom Group-Elevation

(Referenced in Section 890.1510)

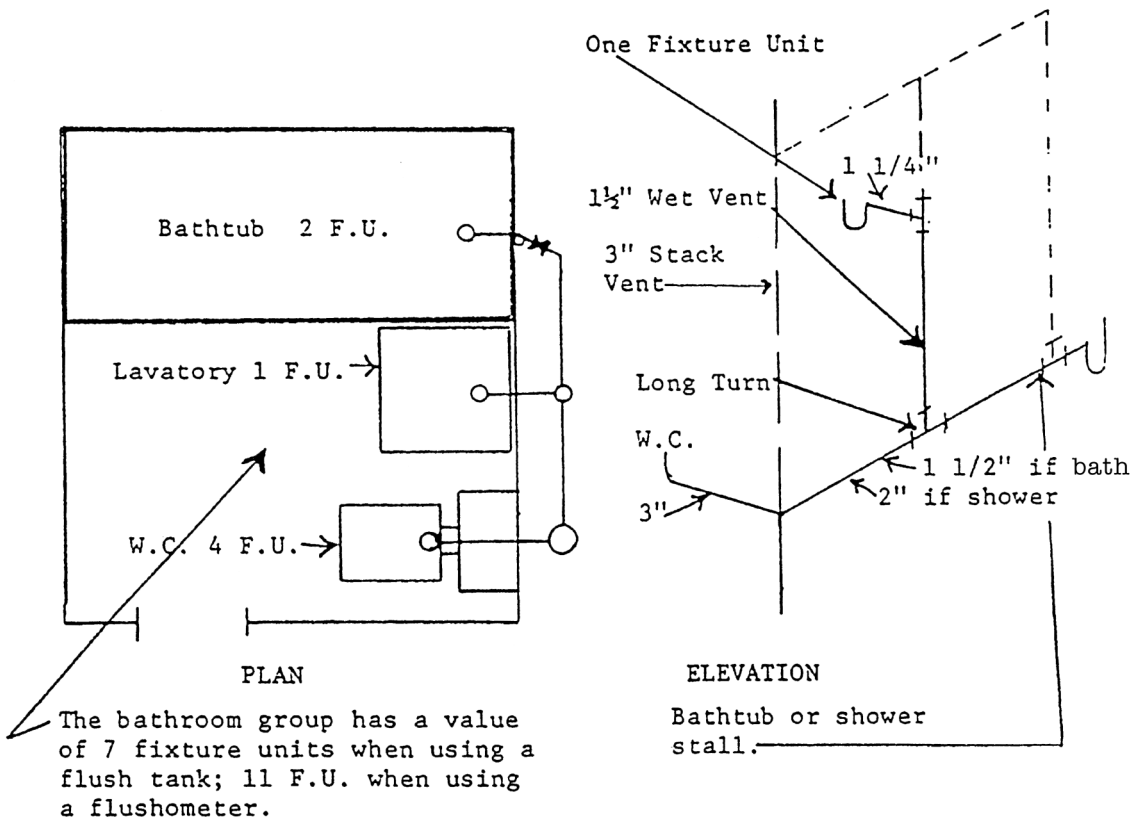




Section 890. Appendix K Illustrations for Subpart K

ILLUSTRATION X One Bathroom Group-Elevation

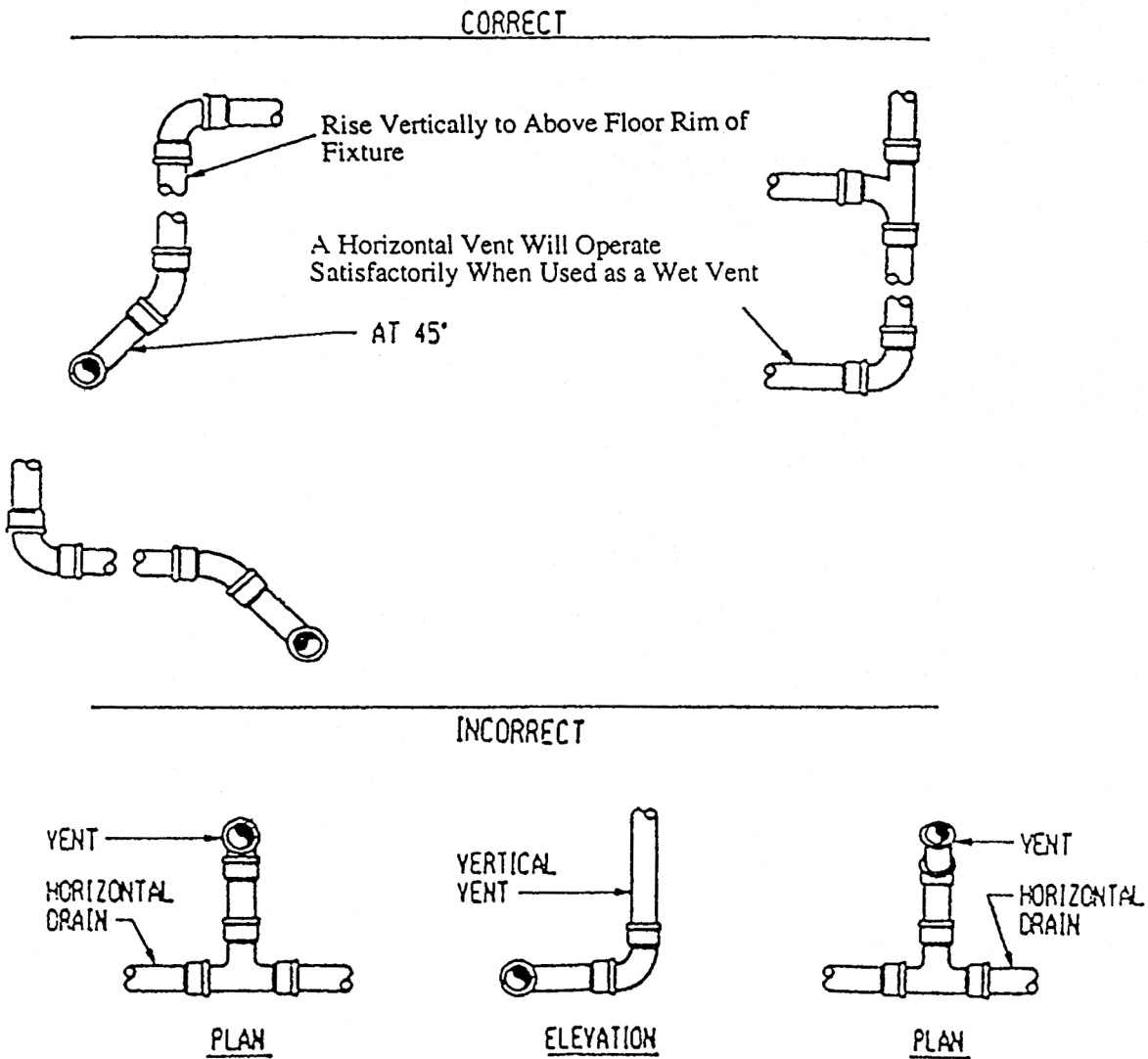
(Referenced in Section 890.1510)



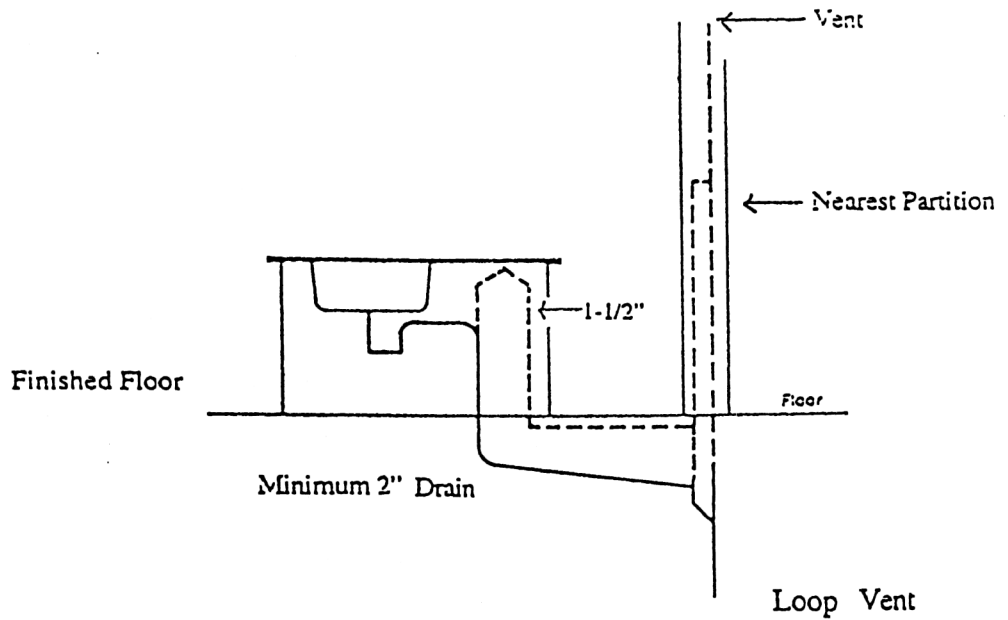
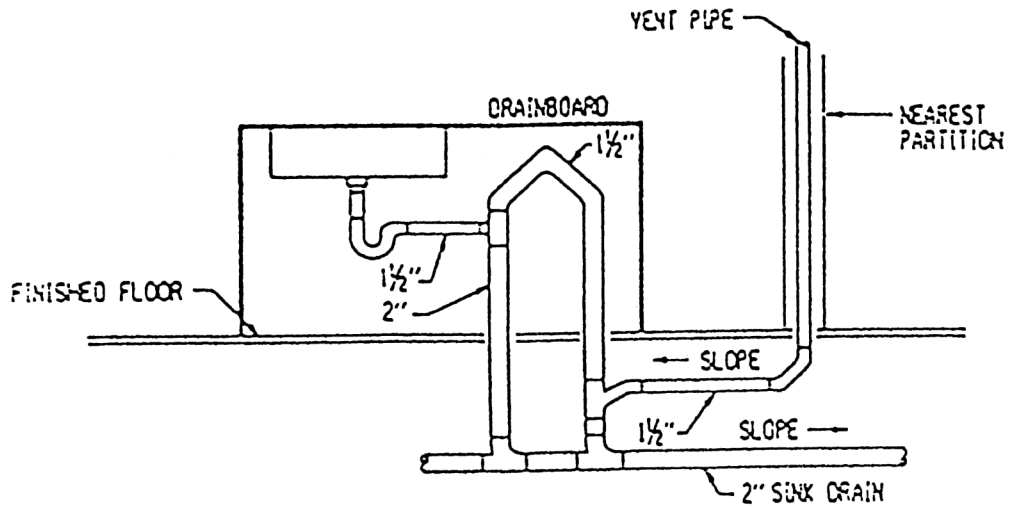
Section 890.Appendix K Illustrations for Subpart K

ILLUSTRATION AA Right and Wrong Vent Connections

(Referenced in Section 890.1520(c))



Section 890.Appendix K Illustrations for Subpart K  
ILLUSTRATION GG Special Venting for Island Fixtures  
(Referenced in Section 890.1500(b))



*Section 890.1720 Water Closets*

*890.1720(c):* At the end of this subsection, add the following:

The flush valves and water closets shall be equipped with floodproofing controls.

SUBPART M: INSPECTIONS, TEST, MAINTENANCE, AND ADMINISTRATION

Add the following new *Section 890.1900*:

*890.1900:*

- 1) *Sanitation preamble—Scope of this part:*
  - a) This part shall apply to and include all water supply and sanitary work, and sanitary equipment thereafter installed, constructed, altered, or repaired in, for, or about any building, or structure of any kind, within the village limits.
  - b) Unless otherwise prescribed or made an exception, it shall be the duty of the plumbing inspector to enforce all the provisions of this part relating and pertaining to sanitary plumbing. Where this part refers to, or mentions "inspector," the same shall mean the plumbing inspector.
- 2) *Bond necessary—Permits:*
  - a) No plumbing work of any description shall be done in the Village of Gurnee, except by a State of Illinois or City of Chicago licensed plumber whose license is in good standing. No permit shall be issued by the building department, unless the person applying therefore shall hold a valid license; a surety bond in the amount determined by current ordinance and approved by the village board conditioned, among other things, that the applicant will indemnify and save harmless the Village of Gurnee from all accidents and damages arising from any negligence or unskillfulness in work done under or by virtue of any permit that may be issued to him by the building department of

the village, and that he will restore the streets and sidewalks over any pipe he may lay and fill all excavations made by him, so as to leave the streets and sidewalks in as good state and condition as he found them and will keep and maintain the same in good order for a reasonable time thereafter to the satisfaction of the superintendent of streets; and further conditioned that he will pay all fines that may be imposed upon him for a violation of any ordinance, rules or regulations adopted by the village board or the public works department relating thereto; and that he will conform to all the lawful regulations of the village pertaining to the business of plumbing, in accordance with the ordinances of the village and rules and regulations of the department of public health.

6) *Plumbing inspector—Duties*

- a) The plumbing inspector shall have the management of all affairs pertaining to the inspection of all plumbing, but he shall be subject to the authority of the village board. He shall be charged with the survey and inspection of all plumbing work and the enforcement of this code. He shall keep a proper record of each inspection for which a permit is issued.

*Disputed decisions.* In the case of dispute over any decision he may make, the matter shall be referred to the building commissioner for decisions.

*Board of appeal.* In case of dispute that cannot be adjusted by the building commissioner, an appeal can be taken to the village board of trustees at its next regular meeting.

- b) Right to enter premises. Any person charged with the enforcement of this ordinance, or any law in force in the village applicable to the same subject matter, shall have the right to

enter upon any building site premises, property or grounds, or into any building alleged to be unsanitary or a menace to health, at all reasonable hours, upon showing his badge or other credentials of office, and any person or persons interfering with him in the performance of such duties shall be guilty of violating this code.

7) *Adjoining higher buildings:*

In the event that a new building is built higher than an existing building, the owner of such new building shall not locate windows within 12 feet of any existing stack on the lower building, unless the owner of such new building shall defray the expenses of, or shall himself make such alteration to conform with this section. It shall be the duty of the owner of the lower or existing building to make such alteration therein upon receipt, in advance, of money or security therefor, sufficient for the purpose from the owner of the new or higher building, or to permit at the election of the owner of the new or higher building, the making of such alteration by the owner of said new or higher building.

8) *Notice of inspection:*

- a) When the work performed is ready for inspection, a notification shall be given for the plumbing inspector to the building department not less than eight work hours between the hours of 8:00 a.m. and 4:30 p.m, before the work is to be inspected or tested and an appointment will be scheduled at least 24 hours in advance.
- b) It shall be the duty of the plumber to make sure that the work will stand the test prescribed before giving the notification. If the inspector cannot be at the place at the time mentioned, he shall notify the plumber at once, stating when he can inspect the work. Failure by the plumber to cancel eight hours prior to the scheduled inspection time will require a

reinspection fee to be paid at the Village of Gurnee Building Department office. No further inspections will be performed until all fees are collected. See Item 4) b).

- c) Upon the satisfactory completion and final test of the plumbing system, a certificate of approval shall be issued by the plumbing inspector and he shall attach it to the plumbing or post it in plain sight.

9) *Testing plumbing system:*

- a) The entire plumbing system within the building must be tested by the plumber in the presence of the plumbing inspector, under a water test, as directed. All pipes must remain uncovered in every part until they have successfully passed the test.
- b) When plumbing work has been covered or concealed prior to being tested and approved, it shall be exposed for testing. It is the responsibility of the licensed plumbing contractor to expose plumbing for inspection purposes.
- c) The plumber must securely close all openings as directed by the plumbing inspector. The use of wooden plugs for this purpose is prohibited.
- d) All equipment, material, and labor required for inspection and testing a plumbing system or any part thereof is the responsibility of the plumbing contractor.
- e) Defective pipe and fittings shall be removed and all defective work made good to conform with the provisions of this ordinance. A retest of the repaired section shall be performed.
- f) Faulty and defective work shall be made satisfactory to the inspector and no further permit shall be issued to the party in default until such defective work has been corrected.

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g) Testing waste and vent - normal conditions:			Waste and vent	Winter Conditions:	Water (No Exception)
Waste and vent	Normal Conditions:	Water	Water	Winter Conditions:	Water or Air
Water	Normal Conditions:	Water	Gas		Air

*List of Special Requirements For:*

Underground W & V:	Minimum five-foot static head for water test and full visual inspection.
Aboveground W & V:	Static head water test, fill to roof or minimum ten feet above top vent bar and full visual inspection.
Storm:	Full visual inspection of entire system.
Water:	Full visual inspection of entire system.
BFPV Valves, RPZ, DCV or DDCV:	Schedule inspection of installation immediately upon completion. Test device and provide test report to Village of Gurnee, and post one on device.
Plumbing Final:	Prior to occupancy inspection of building. The complete plumbing system and its fixtures, water heaters, appliances, etc., will be subjected to a full operational performance function examination inspection.
Exception:	When testing of the waste, stack and vent system of a building with water becomes a risk of creating damage to an occupied building or its contents, an air test may be substituted. A visual inspection of said premises shall be performed by the plumbing inspector and written permission to authorize said air test. (The test shall be performed as follows in Subsection h).

- |   |   |
|---|---|
| <p>h) An air test shall be made by attaching an air compressor testing apparatus to any suitable opening and after closing all other inlets and outlets to the system, forcing air into the system until there is a uniform gauge pressure of five pounds per square inch (p.s.i.) or sufficient to balance a column of mercury ten inches in height. This pressure shall be held without introduction of additional air for a period of at least 15 minutes.</p> <p>i) Upon completion of a section, or the entire water supply system, the system shall be tested and proved tight under a water pressure at least 1½ times the system pressure, but at</p> | <p>least 100 p.s.i., by air or water. When exceeding 100 p.s.i., the test shall be of the hydrostatic type only. Testing pressure shall be maintained for 15 minutes. The water used for this test shall be from a potable water supply.</p> <p>j) The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer. The building sewer shall be filled with water under a head of at least ten feet of water. The water level at the top of the water column shall not drop for at least 15 minutes.</p> <p>k) After the plumbing fixtures have been set and their traps filled with water, their connections shall be tested and</p> |
|---|---|



proved gas and watertight. The test for gas and water tightness of the completed drainage and vent system shall be made by filling all traps with water, and then introducing into the system a pungent, thick smoke produced by one or more smoke machines. When the smoke appears at stack openings on the roof, the stack opening shall be closed and a pressure equivalent to a one-inch water column shall be maintained for the period of the inspection. Where the department or local plumbing inspector finds that a smoke test cannot be performed, a peppermint test may be substituted. A peppermint test is conducted by introducing two ounces of oil of peppermint into the roof terminal of every line or stack to be tested. Immediately after the oil of peppermint is introduced into the system, ten quarts of hot (160 degrees Fahrenheit) water shall be added, and each terminal sealed. The detection of the odor of peppermint at any trap or at any other point in the plumbing system denotes a leak. Individuals whose body or clothing have come in contact with oil of peppermint shall be excluded from the area until the test is completed.

*Section 890.1910 Inspections*

890.1910: Delete this section. See Section 890.1900.

*Section 890.1920 Testing of Plumbing Systems*

890.1920: Delete this section. See Section 890.1900.

*Section 890.1930 Test Methods*

890.1930. Delete this section. See Section 890.1900.

*Section 890.1950 Violations*

890.1950(a)(2): At the end of this subpart, add the following:

Included are all existing buildings, residential, commercial, and industrial.

*Village Ordinance—Application and Permit*

No person, firm, or corporation shall dig up or open any street, avenue, alley, sidewalk, or other public place, except parks, pleasure grounds, or other premises not under the control of the Village of Gurnee, without first obtaining a permit from the village engineer.

Any person, firm, or corporation desiring a permit to so dig up or open any street, avenue, alley, sidewalk, or other public place, shall first submit to the village engineer a written application describing the nature of the work proposed; whereupon the village engineer shall, if the work be such as is permissible under the ordinances of the Village of Gurnee, and upon the payment of all permit fees and charges required in this ordinance for such work, issue a permit to the applicant to so dig up or open such street, avenue, alley, sidewalk, or other public place as above provided.

*Permit Fees for Excavations:*

The fee for permits to open or tear up hard-surfaced streets, sidewalks, or parkways, which fee shall include the maintenance of the temporary surfacing, shall be determined by current ordinance.

*Connecting to Sewers—Fee:*

The fee for connecting with any public sanitary sewer in the Village of Gurnee shall be determined by current ordinance, except on an extension from a sewer stub or service where a permit fee has heretofore been paid for such sewer stub or service.

The connection shall be made with the "Y" branch designated by the village engineer in the permit, and no connections shall be cut into the main or street sewer, except where such "Y" branch does not exist. In such cases, special permission shall first be obtained in writing from the village engineer.

Cut-in connections shall be neatly cut without breaking or cracking the sewer pipe beyond the point of cut and shall be flush with the inside of the street sewer and a Dayton, Hubslant & Buffold, or equal tile saddle shall be used.

The joint shall be installed in a manner to reinforce the street sewer.

Before laying or joining additional pipe, all cut-in connections shall be inspected and approved by the plumbing inspector or his authorized representative.

No roof drain, sump pump discharge, or any sub-surface drainage shall be connected to any sanitary sewer.

*Connecting With Public Sewers - House Sewers:*

House sewer to be of sewer pipe, cast iron pipe, or their equal.

Cast iron pipes to be connected by joints regulated by the Village of Gurnee Plumbing Code.

No house sewer shall have an inside diameter of less than four inches.

The connection with the riser on the public sewer shall be made with a long sweep curve and the pipe continued to within two feet of the building foundation. Pipe shall have a fall not less than one-eighth inch to the foot and shall be laid in trenches of uniform grade.

The house sewer on residential property shall be eight feet below the established street grade, at the curb of the street; provided, however, that the public sewer is of sufficient depth.

*890. Appendix A—Plumbing Materials, Equipment, Use Restrictions, and Applicable Standards*

*Table A Approved Building Drainage / Vent Pipe:*

Change this table to read as follows:

1.	Brass Pipe	ASTM B	43-1988
2.	Cast Iron Pipe	ASTM A	74-1987
		ASTM A	888-1991
		ASTM C	564-1988
		CISPI	301-1990
3.	Copper/Copper Alloy Pipe	ASTM B	42-1988
		ASTM B	302-1988
4.	Copper/Copper Alloy Tubing (K-L-M or DWV)2	ASTM B	75-1986
		ASTM B	88-1988
		ASTM B	251-1988
		ASTM B	306-1988

5.	Galvanized Steel Pipe2	ASTM A	53-1988
		ASTM A	120-1984
6.	High Silicon Content Cast Iron Pipe3	ASTM A	377-1984
7.	Polyvinyl Chloride (PVC) Clear Pipe3	ASTM D	1784-1990
8.	Polyvinyl Chloride (PVC) Pipe and Fittings	ASTM D	2665-1988
		ASTM D	2949-1987
9.	Solder	ASTM B	32-1989

*Agency Notes:*

2 Type M copper tubing, DWV copper tubing, and galvanized steel pipe are approved for above-ground uses only.

3 Approved for corrosive waste or corrosive soil conditions.

*Table A Approved Materials for Building Sewer:*  
 Change this table to read as follows:

1.	Cast Iron Soil Pipe/Fittings	ASTM A	74-1987
	Hubless Soil Pipe	CISPI	301-1990
		CISPI	310-1990
	Rubber Gaskets	ASTM C	564-1989
2.	Polyvinyl Chloride (PVC) Pipe Joints	ASTM D	2665-1988
		ASTM D	2949-1987
		ASTM D	3034-1988
		ASTM D	2855-1983
3.	Vitrified Clay Pipe Pressurized by a Pump or Ejector is Prohibited	ASTM C	4-1981
		ASTM C	700-1988

*Table A: Approved Materials for Water Service Pipe:* Change this Table to read as follows:

1.	Brass Pipe	ASTM B	43-1988
2.	Cast Iron (ductile iron) Water Pipe	ASTM A	377-1984
3.	Copper/Copper Alloy Pipe	ASTM B	42-1988
		ASTM B	302-1988



- 4. Copper/Copper Alloy ASTM B 88-1988 Tubing

*Table a Approved Materials for Water Distribution Pipe:* Change this table to read as follows:

1.	Brass Pipe	ASTM B	43-1988
2.	Copper/Copper Alloy Pipe	ASTM B	42-1988
		ASTM B	302-1988
3.	Copper/Copper Alloy Tubing	ASTM B	88-1988
4.	Galvanized Steel Pipe	ASTM A	53-1988
		ASTM A	120-1984
5.	Welded Copper Water Tube	ASTM B	447 WK, WL, and WM-1989
6.	Solder	ASTM B	32-1989

*Table B Minimum Number of Plumbing Fixtures:*  
At the beginning of this Appendix, add the following:

- a) *Toilet rooms for the two sexes.* Where two sexes are accommodated, separate toilet rooms shall be provided, except in dwellings. Entrance to toilet rooms for the two sexes shall be properly separated. Each toilet room shall be distinctly marked with regard to the sex which uses it and no person shall be allowed to use a toilet room assigned to the other sex. There shall be provisions for complete privacy at the entrance and at the fixtures in multiple fixture baths.
- b) *Toilet rooms required.* Every residence and apartment building, store, or place of business, factory, or workshop shall be provided with proper sanitary fixtures. Every toilet or bathroom shall be lighted by a window or windows opening directly upon a street, alley, court, or vent shaft, or adequate lighting per the National Electric Code (N.E.C.) and Village of Gurnee standards. Each toilet room shall be ventilated per Village of Gurnee requirements.

Private residences, two-family dwellings, and apartment houses shall have at least one water closet, one kitchen sink, one lavatory, one tub or shower per unit, and adequate laundry facilities, and hot water supply.

Restaurants and lunch rooms shall have at one water closet and one wash basin provided for each sex. The wastewater from sinks, dishwashing machines, and other fixtures likely to contain grease shall, before entering the sewer, discharge into an approved intercepting catch basin or grease trap.

Depots or waiting stations shall have at least one water closet and wash basin for females; one water closet, one urinal, and one wash basin for males.

Stores shall have at least one water closet and one sink or wash basin for each sex. Bathrooms shall not open directly facing front entrance of store and the door shall be provided with a proper spring for keeping such door closed. Water closet or urinal compartments shall never open directly into any bakery, market, restaurant, or into any room where food is being prepared and shall always be so located as to be least objectionable as regards to sanitation and privacy.

*Office building.* Where such offices or suite of offices are not fitted with a water closet and wash basin for each such office or suite of offices, a bathroom for each sex shall be provided for the use of the occupants and such toilet rooms shall be located in the public hall. Men's bathrooms shall have at least one water closet, one urinal, and one wash basin. The bathroom for women shall have at least one water closet, and one wash basin. In the hall, a sanitary drinking water device. Provide accessible and adequate fixtures for housekeeping and janitorial services.

Public laundries, wash houses, or cleaning establishments shall not have less than one water closet and one sink or wash basin for each sex. Laundry trays, drums, vats, etc., see Section 890.540 and 890.740.

Where gasoline, benzene, naphtha, or other inflammable oils or compounds are

used in cleaning establishments and where such business is carried on, there shall be provided a drain pipe to a trap or separator; trap separator to have a waste bucket which shall separate the oil and gases, and with a fire preventive water ring. The trap shall have a four-inch waste outlet and a two-inch or larger vent hub connection which shall be carried through the roof, properly vented. See Section 890.520.

- c) *[Public garages and filling stations.]* Public garages and filling stations, including gas and convenience stores, vehicle sales, and rentals shall have at least one water closet and one wash basin for each sex. Wash basins and service sinks to be provided with hot and cold water. The drain used for car washing shall have a trap or separator, see Section 890.520.
- d) *Toilet rooms in existing buildings.* Every existing building must be provided with facilities equal to the facilities required by this code for new buildings of a similar kind.
- e) *Toilet rooms—Auditorium.* Separate toilet rooms in connection with auditoriums shall be provided for males and females. There shall be separate water closets provided for males and females in connection with the stage of every theater which accommodates more than 500 persons, except theaters used for motion picture exhibitions only. Separate drinking fountains shall be provided for the stage and auditorium.
- f) *Proper use and care of plumbing fixtures.* All plumbing fixtures, such as water closets, urinals, sinks, lavatories, bath tubs, etc., shall be used only for the purpose for which they are intended. All such fixtures shall be kept in a sanitary and clean condition.

Temporary closet accommodations for new buildings or other construction work. Suitable and adequate toilet facilities shall be provided during building operations.

Toilets shall be properly enclosed to secure privacy, and shall be kept in a sanitary and clean condition.

*Table B Minimum Number of Plumbing Fixtures*

Instructions/Footnotes for Table B

Foot-  
notes:

- 6. Change this footnote to read as follows: In addition to providing separate hand washing facilities in the kitchen for employees, all restaurants shall provide a minimum of one service/utility sink and one three-compartment sink to sanitize dishes and eating utensils.

*Table D Minimum Water Distribution Pipe Size*

Type of Fixture or Device (See Footnotes 1 and 2)

At the end of this table, add the following footnote:

- 3. Only one fixture shall be supplied with 1/2 inch. The pipe size shall be increased one pipe size at multiple fixture groups. (Appendix A/Tables-27)

*Table I Allowed Distance from Fixture Trap to Vent*

Change this table to read as follows:

<i>Size of Fixture Drain (Inches)</i>	<i>Maximum Allowed Distance From Trap to Vent</i>
1 1/4	1 ft. 6 in
1 1/2	1 ft. 6 in.
2	1 ft. 6 in.
3	5 ft. 0 in.
4 and larger	6 ft. 0 in.

*Table L Horizontal Circuit and Loop Vent Sizing Table*

Change the name of this Table to read and add the following: Table L Horizontal Circuit and Loop (See Section 890.1520 a) and b). (Ord. No. 2000-8, § 3, 1-24-2000; Ord. No. 2016-72, § I, 10-17-2016)

**Secs. 18-193—18-200. Reserved.**

**ARTICLE VIII. PROPERTY  
MAINTENANCE CODE**

**DIVISION 1. GENERAL ADMINISTRATION**

**Sec. 18-201. Title.**

These regulations shall be known as the Property Maintenance Code (hereinafter referred to as "this code") of the Village of Gurnee (hereinafter referred to as "village" or "this jurisdiction").  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-202. Scope.**

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-203. Intent.**

This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with all applicable laws, ordinances, codes and regulations.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-204. Severability.**

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be

unconstitutional, such decision shall not affect the validity of the remaining portions of this code.  
(Ord. No. 2004-28, § I, 4-12-2004)

**DIVISION 2. APPLICABILITY**

**Sec. 18-205. General.**

The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in division 1. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-206. Maintenance.**

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-207. Application of other codes.**

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable laws, ordinances, codes and regulations. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Village of Gurnee Zoning Ordinance or the Village of Gurnee Nuisance Code. Whenever another village ordinance, code or regulation requires a more strict standard of compliance or, if another village

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ordinance, code or regulation is in conflict with this code, the more strict ordinance, code or regulation shall apply.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-208. Existing remedies.**

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-209. Workmanship.**

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-210. Historic buildings.**

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-211. Referenced codes and standards.**

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-212. Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety,

health and general welfare, not specifically covered by this code, shall be determined by the code official.  
(Ord. No. 2004-28, § I, 4-12-2004)

**DIVISION 3. COMMUNITY DEVELOPMENT DEPARTMENT**

**Sec. 18-213. General.**

The administration of this code shall be under the jurisdiction of the Gurnee Community Development Department.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-214. Appointment.**

The building official shall be designated as the property maintenance code official (hereinafter "code official"). The property maintenance code official shall have all employment rights and responsibilities as designated in the employee policies, as may be amended from time to time, of the Village of Gurnee, such as, but not limited to, conflict of interest and ethics regulations.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-215. Deputies.**

In accordance with the prescribed procedures of this jurisdiction, when and as prescribed, and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-216. Liability.**

The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction.



tion until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-217. Fees.**

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as provided in the fee schedules of the village as amended from time to time.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 4. DUTIES AND POWERS OF THE  
CODE OFFICIAL

**Sec. 18-218. General.**

The code official shall enforce the provisions of this code.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-219. Rule-making authority.**

Subject to the input and approval of the director of the department, the code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-220. Inspections.**

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-221. Right of entry.**

Subject to all state and federal constitutional limitations, the code official is authorized to request from the owner or occupant of property permission to enter the structure or premises at reasonable times. If entry is not permitted, and if there is probable cause or reasonable belief that a violation of this code exists within the structure or upon the premises, the code official is authorized to pursue recourse as provided by law.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-222. Identification.**

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-223. Notices and orders.**

The code official shall issue all necessary notices or orders to ensure compliance with this code.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-224. Department records.**

The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-225. Coordination of inspections.**

Whenever, in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 5. APPROVAL

**Sec. 18-226. Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-227. Alternative materials, methods and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the

purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-228. Required testing.**

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction. Where equivalence is an issue the burden of proof for establishing equivalence shall be as provided in the village building code.

- (1) *Test methods.* Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall be permitted to approve appropriate testing procedures performed by an approved agency.
- (2) *Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-229. Material and equipment reuse.**

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 6. VIOLATIONS

**Sec. 18-230. Unlawful acts.**

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. Any person failing to comply with a notice of violation or order served in accordance with this section shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If

the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-231. Commencement of action, citation, contents.**

(a) The community development department is assigned the primary responsibility of enforcing this code and is granted the authority expressly and implicitly needed and necessary for enforcement.

(b) Nothing in this section shall preclude employees of the community development department from seeking voluntary compliance with the provisions of this division or from enforcing this division, proactively or reactively, through warnings, notices to comply, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances. Any person who neglects, fails or refuses to correct the violations contained within a notice to comply or other similar device issued pursuant to this division may be assessed a reinspection fee for inspections which occur after the compliance date. The fee for these reinspections shall be set by resolution of the village board. Failure to pay reinspection fees within 14 days of assessment is a violation of this section. Delinquent reinspection fees shall be a lien against the real property where the violation occurred. Liens shall be filed in the office of the recorder of deeds in a form which describes the real property and the reason for the lien. The director of finance shall develop a recordable lien form for the purposes of this section.

(c) The director is authorized to commence a civil action under this division by issuing a citation to the occupant of the property where the violation has occurred, the owner of record, or any person responsible for the violation.

(d) The citation form will be established by the director and shall direct the defendant to appear in branch court or, to settle the matter, pay the charges and expenses pursuant to applicable fee and fine schedules within 14 days after issuance of the citation. The form shall contain a schedule of fines and penalties that are imposed by this division and approved by resolution of the village board.

(e) The citation shall be served by delivery of a copy of the defendant by any of the following means:

- (1) By service upon the defendant by the director or his designee; or
- (2) By first class mail, postage prepaid, addressed to the defendant at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail; or
- (3) By posting the citation on the property where the violation has occurred; or
- (4) By any of the methods for service of court process described in the Illinois Code of Civil Procedure.

(f) The citation shall contain the date and location of the violation, reference to the Gurnee Municipal Code provision or ordinance violated, and notices that within 14 days from the date on which the citation was issued, the fine for the violation must be paid to and received by the Village of Gurnee or to appear in branch court.

(g) The citation shall state that if the defendant fails to appear in court at the time specified, or pay the fine for the violation, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged.

(h) The citation and its service upon the violator shall comply in all respects with applicable court rules for ordinance violation citations. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-232. Appearance or payment by mail.**

(a) The defendant shall, at the time specified on the citation, appear in the designated court in person or through his/her/its attorney and enter

his/her/its plea according to the rules of court. The court proceedings shall thereafter be pursuant to the rules of court.

(b) The defendant may admit the allegations in the citation and pay the fine indicated by timely mailing the citation to the village hall, together with payment for the amount of the fine and, if paid by check, made payable to the Village of Gurnee. Appearance by mail will be deemed complete by the postmarked date on the mailing provided the rules of court pertaining to appearance for trial on the citation are followed. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-233. Default judgment.**

If the defendant fails to appear as directed on the citation, the court, upon request of the village prosecutor or director of community development, may enter a default judgment for the amount of the fine indicated for the violation charged, or such higher fine as the prosecutor may request. Nothing herein shall be construed to prevent the prosecutor from requesting that the court enter such other or further relief as may be lawfully available. If a defendant fails to appear at a hearing, the court may enter judgment against the nonappearing defendant for the amount of the appropriate fine. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-234. Civil fines and penalties imposed.**

(a) The civil fine for a violation of any provision of this code shall be an amount not to exceed \$750.00 per offense. Each day which a violation exists shall be considered a separate offense.

(b) In the event the violator fails or refuses to appear in court on the day assigned, and a default judgment is to be entered, the prosecutor shall request such additional fines and further relief as may be appropriate under the circumstances.

(c) The court may enter judgment for delinquent fines, fees, reinspection fees, and penalties as may be provided by law. In addition, any judgment for an amount certain imposed pursuant to this code shall constitute a lien against the real property of the owner of the property where

the violation occurred. The lien may be perfected by recording a duly executed memorandum of judgment with the office of the Lake County Recorder of Deeds. Any judgment for civil penalty pursuant to this code may be collected as any other civil judgment.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-235. Abatement of violation.**

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 7. NOTICES AND ORDERS

**Sec. 18-236. Notice to person responsible.**

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in division 6 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with section 18-240.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-237. Transfer of ownership.**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and



fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. No. 2004-28, § I, 4-12-2004)

#### DIVISION 8. UNSAFE STRUCTURES AND EQUIPMENT

##### **Sec. 18-238. General.**

When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

- (1) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
- (2) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (3) *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by

this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- (4) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-239. Closing of vacant structures.**

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-240. Notice.**

Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with division 6. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in division 7.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-241. Placarding.**

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "condemned" and a statement of

the penalties provided for occupying the premises, operating the equipment or removing the placard.

- (1) *Placard removal.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-242. Prohibited occupancy.**

Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

(Ord. No. 2004-28, § I, 4-12-2004)

### DIVISION 9. EMERGENCY MEASURES

#### **Sec. 18-243. Imminent danger.**

When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of

securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-244. Temporary safeguards.**

Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-245. Closing streets.**

When necessary for public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-246. Emergency repairs.**

For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-247. Costs of emergency repairs.**

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-248. Hearing.**

Any person ordered to take emergency measures shall comply with such order forthwith. Any

affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.  
(Ord. No. 2004-28, § I, 4-12-2004)

#### DIVISION 10. DEMOLITION

##### **Sec. 18-249 General.**

The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.  
(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-250. Notices and orders.**

All notices and orders shall comply with division 6.  
(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-251. Failure to comply.**

If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.  
(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-252. Salvage materials.**

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest

price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.  
(Ord. No. 2004-28, § I, 4-12-2004)

#### DIVISION 11. MEANS OF APPEAL

##### **Sec. 18-253. Application for appeal.**

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.  
(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-254. Membership of board.**

The property maintenance board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

- (1) *Alternate members.* The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

(2) *Chairman.* The board shall annually select one of its members to serve as chairman.

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

(4) *Secretary.* The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

(5) *Compensation of members.* Compensation of members shall be determined by law.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-255. Notice of meeting.**

The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-256. Open hearing.**

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

(1) *Procedure.* The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-257. Postponed hearing.**

When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-258. Board decision.**

The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

(1) *Records and copies.* The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.

(2) *Administration.* The code official shall take immediate action in accordance with the decision of the board.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-259. Court review.**

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

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-260. Stays of enforcement.**

Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 12. GENERAL [PROVISIONS]

**18-261. Scope.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in division 13.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-262. Interchangeability.**

Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(Ord. No. 2004-28, § I, 4-12-2004)



**Sec. 18-263. Terms defined in other codes.**

Where terms are not defined in this code and are defined in the other codes or ordinances of the village, such terms shall have the meanings ascribed to them as in those codes.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-264. Terms not defined.**

Where terms are not defined through the methods authorized by this division, such terms shall have ordinarily accepted meanings such as the context implies.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-265. Parts.**

Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."  
(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 13. GENERAL DEFINITIONS

**[Sec. 18-265.1. Definitions.]**

*Approved.* Approved by the code official.

*Basement.* That portion of a building which is partly or completely below grade.

*Bathroom.* A room containing plumbing fixtures including a bathtub or shower.

*Bedroom.* Any room or space used or intended to be used for sleeping purposes.

*Code official.* The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

*Condemn.* To adjudge unfit for occupancy.

*Dwelling unit.* A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement.* That portion of land or property reserved for present or future use by a person or

agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

*Exterior property.* The open space on the premises and on adjoining property under the control of owners or operators of such premises.

*Extermination.* The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

*Garbage.* The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Guard.* A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

*Habitable space.* Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

*Housekeeping unit.* A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

*Imminent danger.* A condition which could cause serious or life-threatening injury or death at any time.

*Infestation.* The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

*Inoperable motor vehicle.* A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

*Labeled.* Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product eval-

uation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

*Let for occupancy or let.* To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

*Occupancy.* The purpose for which a building or portion thereof is utilized or occupied.

*Occupant.* Any individual living or sleeping in a building, or having possession of a space within a building.

*Openable area.* That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

*Operator.* Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

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

*Person.* An individual, corporation, partnership or any other group acting as a unit.

*Premises.* A lot, plot or parcel of land, easement or public way, including any structures thereon.

*Public way.* Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

*Rooming unit.* Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

*Rubbish.* Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

*Strict liability offense.* An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

*Structure.* That which is built or constructed or a portion thereof.

*Swimming pool, private.* Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep and which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height with a separate means of egress. This includes, but is not limited to, inground, aboveground, onground or upon-the-ground pools, hot tubs, spas and fixed in place wading pools.

*Tenant.* A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

*Toilet room.* A room containing a water closet or urinal but not a bathtub or shower.

*Ventilation.* The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

*Workmanlike.* Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

*Yard.* An open space on the same lot with a structure.  
(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 14. GENERAL REQUIREMENTS

**Sec. 18-266. Scope.**

The provisions of this code shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-267. Responsibility.**

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-268. Vacant structures and land.**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.  
(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 15. EXTERIOR PROPERTY AREAS

**Sec. 18-269. Sanitation.**

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-270. Grading and drainage.**

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

(1) *Exception.* Approved retention areas and reservoirs.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-271. Sidewalks and driveways.**

On private property, all sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-272. Weeds.**

All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with division 6 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property and the village may file a lien on the violating property for the costs of such cutting and destroying.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-273. Rodent harborage.**

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermi-



nation, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-274. Exhaust vents.**

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-275. Accessory structures.**

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-276. Motor vehicles.**

Storage and parking of unlicensed or inoperable motor vehicles shall be in accordance with the regulations and prohibitions provided in the village's nuisance code. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-277. Defacement of property.**

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. (Ord. No. 2004-28, § I, 4-12-2004)

**DIVISION 16. SWIMMING POOLS, SPAS AND HOT TUBS**

**Sec. 18-278. Swimming pools.**

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-279. Enclosures.**

(a) Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Provided, however, no fence shall be required for a spa or hot tub, which, when unoccupied by the owner or owner's permittees, has a closed and listed safety cover that complies with ASTM F 1346.

(b) Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met:

- (1) The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
- (2) All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1,372 mm) above the threshold of the door; or

- (3) Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by paragraphs (1) or (2) described above.

(c) Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps then:

- (1) The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
- (2) The ladder or steps shall be surrounded by a barrier which meets the requirements of section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four-inch diameter (102 mm) sphere.

(d) Exception. The provisions of this section 18-279 shall not be retroactively applied to relevant structures which exist as of the effective date of these regulations.

(Ord. No. 2004-28, § I, 4-12-2004)

#### DIVISION 17. EXTERIOR STRUCTURE

##### **Sec. 18-280. General.**

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. Except where the village's nuisance code provides for more strict compliance the following sections of this division 17 shall apply.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-281. Protective treatment.**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be elim-

inated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Whenever feasible, colors and materials used in maintaining exterior surfaces shall match, or be visually similar to, the original color or material being maintained unless an overall replacement or change of color or material is taking place. Provided, however, nothing in this section 18-281 is intended to prohibit changing or altering the architectural style or elements which dominate the structure or its various elements.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-282. Premises identification.**

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-283. Structural members.**

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-284. Foundation walls.**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-285. Exterior walls.**

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-286. Roofs and drainage.**

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-287. Decorative features.**

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-288. Overhang extensions.**

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-289. Stairways, decks, porches and balconies.**

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-290. Chimneys and towers.**

All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-291. Handrails and guards.**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-292. Window, skylight and door frames.**

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

- (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
- (2) *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-293. Reserved.**

**Sec. 18-294. Doors.**

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 18-379.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-295. Basement hatchways.**

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-296. Guards for basement windows.**

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-297. Building security.**

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

- (1) *Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than one inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.
- (2) *Windows.* Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.
- (3) *Basement hatchways.* Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 18. INTERIOR STRUCTURE

**Sec. 18-298. General.**

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure, which they occupy or control, in a clean and sanitary condition. Every owner of a structure containing a rooming unit, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-299. Structural members.**

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-300. Interior surfaces.**

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-301. Stairs and walking surfaces.**

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-302. Handrails and guards.**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(Ord. No. 2004-28, § I, 4-12-2004)



**Sec. 18-303. Interior doors.**

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. (Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 19. HANDRAILS AND  
GUARDRAILS

**Sec. 18-304. General.**

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp, or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

- (1) Exception. Guards shall not be required where exempted by the adopted building code.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 20. RUBBISH AND GARBAGE

**Sec. 18-305. Accumulation of rubbish or garbage.**

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-306. Disposal of rubbish.**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

- (1) *Rubbish storage facilities.* The owner of every occupied premises shall supply ap-

proved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

- (2) *Refrigerators.* Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-307. Disposal of garbage.**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

- (1) *Garbage facilities.* The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.
- (2) *Containers.* The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 21. EXTERMINATION

**Sec. 18-308. Infestation.**

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found, shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-309. Owner.**

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-310. Single occupant.**

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-311. Multiple occupancy.**

The owner of a structure containing two or more dwelling units, a multiple occupancy, rooming units or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-312. Occupant.**

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

- (1) *Exception.* Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 22. MOISTURE RELATED  
DAMAGE

**Sec. 18-313. Moisture related damage to components of structural members.**

Any structural component that has been damaged by or as a result of exposure to water in any form shall be repaired or replaced according to standard procedures, applicable code and applicable federal, state and local regulations (e.g. E.P.A. "Mold Remediation in Schools and Commercial Buildings" or FEMA-234 "Repairing Your Flooded Home"). (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-314. Moisture related damage to components of interior surfaces.**

Any interior component that has been damaged by or as a result of exposure to water in any

form shall be repaired or replaced according to standard procedures, applicable code and applicable federal, state and local regulations (e.g. E.P.A. "Mold Remediation in Schools and Commercial Buildings" or FEMA-234 "Repairing Your Flooded Home").

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 23. GENERAL

**Sec. 18-315. Scope.**

The provisions of divisions 23 through 26 shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-316. Responsibility.**

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner or occupant, or permit another person to occupy, any premises that do not comply with the requirements of divisions 23 through 26.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-317. Alternative devices.**

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code shall be permitted.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 24. LIGHT

**Sec. 18-318. Habitable spaces.**

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be

deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

- (1) *Exception.* Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-319. Common halls and stairways.**

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with a minimum 620 lumens light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-320. Other spaces.**

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Ord. No. 2004-28, § I, 4-12-2004)

### DIVISION 25. VENTILATION

#### **Sec. 18-321. Habitable spaces.**

Every habitable space shall have at least one openable window. The total openable area of the

window in every room shall be equal to at least 45 percent of the minimum glazed area required in section 18-318.

- (1) *Exception.* Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-322. Bathrooms and toilet rooms.**

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 18-321, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-323. Cooking facilities.**

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

- (1) *Exception.* Where specifically approved in writing by the code official.

(Ord. No. 2004-28, § I, 4-12-2004)

#### **Sec. 18-324. Process ventilation.**

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(Ord. No. 2004-28, § I, 4-12-2004)



**Sec. 18-325. Clothes dryer exhaust.**

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 26. OCCUPANCY LIMITATIONS

**Sec. 18-326. Privacy.**

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-327. Minimum room widths.**

A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-328. Minimum ceiling heights.**

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

(1) *Exceptions.*

- (a) In one- and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.
- (b) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.

- (c) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-329. Bedroom requirements.**

Every bedroom shall comply with the requirements of sections 18-326 through 18-330.

- (1) *Area for sleeping purposes.* Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.
- (2) *Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.
  - (a) *Exception.* Units that contain fewer than two bedrooms.
- (3) *Water closet accessibility.* Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- (4) *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
- (5) *Other requirements.* Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this di-

vision; the plumbing facilities and water-heating facilities requirements of divisions 27 through 33; the heating facilities and electrical receptacle requirements of divisions 35, 37 and 38; and the smoke detector and emergency escape requirements of division 42.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-330. Overcrowding.**

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of table 18-330.

TABLE 18-330  
 MINIMUM AREA REQUIREMENTS

SPACE	MINIMUM AREA IN SQUARE FEET		
	1—2 occupants	3—5 occupants	6 or more occupants
Living room <sup>a,b</sup>	No requirements	120	150
Dining room <sup>a,b</sup>	No requirements	80	100
Bedrooms	Shall comply with section 18-329		

For SI: 1 square foot = 0.093 m<sup>2</sup>.

<sup>a</sup> See subsection 18-330(2) for combined living room/dining room spaces.

<sup>b</sup> See subsection 18-330(1) for limitations on determining the minimum occupancy area for sleeping purposes.

(1) *Sleeping area.* The minimum occupancy area required by table 18-330 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with section 18-329.

(2) *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of table 18-330 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-331. Efficiency unit.**

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

- (1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by paragraphs (2) and (3).
- (2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
- (3) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
- (4) The maximum number of occupants shall be three.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-332. Food preparation.**

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 27. PLUMBING FACILITIES AND  
 FIXTURE REQUIREMENT

**Sec. 18-333. Scope.**

The provisions of divisions 27 through 33 shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-334. Responsibility.**

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of divisions 27 through 33.  
(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 28. REQUIRED FACILITIES

**Sec. 18-335. Dwelling units.**

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-336. Multiple rooming units.**

At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-337. Hotels.**

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-338. Employees' facilities.**

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

- (1) *Drinking facilities.* Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next

to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 29. TOILET ROOMS

**Sec. 18-339. Privacy.**

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-340. Location.**

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-341. Location of employee toilet facilities.**

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

- (1) *Exception.* Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(Ord. No. 2004-28, § I, 4-12-2004)

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**Sec. 18-342. Floor surface.**

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition. (Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 30. PLUMBING SYSTEMS AND  
FIXTURES

**Sec. 18-343. General.**

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-344. Fixture clearances.**

Plumbing fixtures shall have adequate clearances for usage and cleaning. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-345. Plumbing system hazards.**

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. (Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 31. WATER SYSTEM

**Sec. 18-346. General.**

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry

facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the plumbing code. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-347. Contamination.**

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-348. Supply.**

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks. (Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-349. Water heating facilities.**

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110° F (43° C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. (Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 32. SANITARY DRAINAGE  
SYSTEM

**Sec. 18-350. General.**

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-351. Maintenance.**

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.  
(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 33. STORM DRAINAGE

**Sec. 18-352. General.**

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.  
(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 34. MECHANICAL AND  
ELECTRICAL REQUIREMENTS

**Sec. 18-353. Scope.**

The provisions of divisions 35 through 40 shall govern the minimum mechanical and electrical facilities and equipment to be provided.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-354. Responsibility.**

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.  
(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 35. HEATING FACILITIES

**Sec. 18-355. Facilities required.**

Heating facilities shall be provided in structures as required by this section.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-356. Residential occupancies.**

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the required winter outdoor design temperature. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

- (1) *Exception.* In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-357. Heat supply.**

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 30 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

- (1) *Exceptions.*

- (a) When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as required by the applicable village code.

- (b) In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(Ord. No. 2004-28, § I, 4-12-2004)



**Sec. 18-358. Occupiable work spaces.**

Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 30 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

(1) *Exceptions.*

- (a) Processing, storage and operation areas that require cooling or special temperature conditions.
- (b) Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-359. Room temperature measurement.**

The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 36. MECHANICAL EQUIPMENT

**Sec. 18-360. Mechanical appliances.**

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-361. Removal of combustion products.**

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

- (1) *Exception.* Fuel-burning equipment and appliances which are labeled for unvented operation.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-362. Clearances.**

All required clearances to combustible materials shall be maintained.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-363. Safety controls.**

All safety controls for fuel-burning equipment shall be maintained in effective operation.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-364. Combustion air.**

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-365. Energy conservation devices.**

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(Ord. No. 2004-28, § I, 4-12-2004)

DIVISION 37. ELECTRICAL FACILITIES

**Sec. 18-366. Facilities required.**

Every occupied building shall be provided with an electrical system in compliance with the requirements of this division and division 38.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-367. Service.**

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the applicable village electrical code.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-368. Electrical system hazards.**

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and light-

ing outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

(Ord. No. 2004-28, § I, 4-12-2004)

#### DIVISION 38. ELECTRICAL EQUIPMENT

##### **Sec. 18-369. Installation.**

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-370. Receptacles.**

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-371. Lighting fixtures.**

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

(Ord. No. 2004-28, § I, 4-12-2004)

#### DIVISION 39. ELEVATORS, ESCALATORS AND DUMBWAITERS

##### **Sec. 18-372. General.**

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-373. Elevators.**

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

- (1) Exception. Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(Ord. No. 2004-28, § I, 4-12-2004)

#### DIVISION 40. DUCT SYSTEMS

##### **Sec. 18-374. General.**

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 2004-28, § I, 4-12-2004)

#### DIVISION 41. FIRE SAFETY REQUIREMENTS

##### **Sec. 18-375. Scope.**

The provisions of divisions 41 through 44 shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(Ord. No. 2004-28, § I, 4-12-2004)

##### **Sec. 18-376. Responsibility.**

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of divisions 41 through 44.

(Ord. No. 2004-28, § I, 4-12-2004)



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**DIVISION 42. MEANS OF EGRESS**

**Sec. 18-377. General.**

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the fire code.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-378. Aisles.**

The required width of aisles in accordance with the fire code shall be unobstructed.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-379. Locked doors.**

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the building code.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-380. Emergency escape openings.**

Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following: Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.  
(Ord. No. 2004-28, § I, 4-12-2004)

**DIVISION 43. FIRE-RESISTANCE RATINGS**

**Sec. 18-381. Fire-resistance rated assemblies.**

The required fire-resistance rating of fire-resistance rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-382. Opening protectives.**

Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.  
(Ord. No. 2004-28, § I, 4-12-2004)

**DIVISION 44. FIRE PROTECTION AND CARBON MONOXIDE DETECTION SYSTEMS**

**Sec. 18-383. General.**

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the fire code.  
(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-384. Smoke alarms.**

Single or multiple-station smoke alarms shall be installed and maintained in groups R-2, R-3, R-4 and in dwellings not regulated in group R occupancies, regardless of occupant load at all of the following locations:

- (1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
- (2) In each room used for sleeping purposes.
- (3) In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the fire code.

For dwellings existing on the effective date hereof or under construction on the effective date hereof herein termed ("transitional dwellings"),

and which do not meet the requirements of this division 44, battery powered smoke alarms shall be installed in all sleeping areas within 90 days of the effective date of these regulations. At such time as a transitional dwelling is under reconstruction or remodeling to the extent that interior solid finishes are removed to the extent that hard wiring of the required smoke detector(s) to the electrical system can be accomplished, then to such extent, a replacement and compliant smoke detector(s) shall be installed.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-385. Power source.**

In group R occupancies and in dwellings not regulated as group R occupancies, single-station smoke alarms and carbon monoxide detectors shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

- (1) *Exception.* Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-386. Interconnection.**

Where more than one smoke alarm or carbon monoxide detector is required to be installed within an individual dwelling unit in groups R-2, R-3, R-4 and in dwellings not regulated as group R occupancies, the smoke alarms and carbon monoxide detectors shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

- (1) *Exceptions.*
  - (a) Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.

- (b) Smoke alarms and carbon monoxide detectors in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

(Ord. No. 2004-28, § I, 4-12-2004)

**Sec. 18-387. Carbon monoxide (CO) alarms.**

In all new construction classified in the R group electric (with battery backup) carbon monoxide detectors shall be installed and maintained in the basement, if a basement is provided, and on each level above the basement, or if no basement on the ground floor level and each level above the ground floor level in accordance with all the National Electrical Code (NEC-2002) as amended by the village from time to time or such other versions thereof as the village may adopt from time to time.

(Ord. No. 2004-28, § I, 4-12-2004)

**ARTICLE IX. GURNEE FUEL GAS CODE\***

**Sec. 18-400. Adoption.**

The regulations, conditions, definitions, and stipulations concerning the design, construction, quality of materials, erection, installation, alterations, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas systems, as set forth in the 2012 International Fuel Gas Code, with modifications and supplements set forth in section 18-401, are hereby adopted and made applicable, subject to exceptions made in this article, to all existing or proposed mechanical installations, within the corporate limits of the village. The following chapters, and each

\***Editor's note**—Ord. No. 2012-33, § 1, adopted April 16, 2012, deleted article IX in its entirety and enacted new provisions to read as herein set out. Former article IX pertained to similar subject matter and derived from Ord. No. 2005-24, §§ I(18-230, 18-401), II, adopted April 18, 2005.

section and subsection of each such chapter, are not hereby adopted and shall not be applicable in the village:  
(Ord. No. 2012-33, § II, 4-16-2012)

**Sec. 18-401. Modifications, supplements and exceptions.**

The following sections of the 2012 International Fuel Gas Code, are revised as follows:

**CHAPTER 1 ADMINISTRATION**

**SECTION 101 (IFGC) GENERAL**

*Section 101.1 Title.* Insert "Village of Gurnee" as name of jurisdiction.

*Section 101.2 Scope.* Exceptions: Replace "International Residential Code" here and in all other locations in this code with "Gurnee Residential Code".

*Section 101.3 Appendices.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"Provisions in Appendices A, B, C, & D are adopted in their entirety."

*Section 102.2.1 Existing buildings.* Replace "International Building Code" here and in all other locations in this code with "Gurnee Building Code."

**SECTION 106 PERMITS**

*Section 106.6.2 Fees.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"The fees for mechanical installations/replacement shall be as indicated in Ordinance 2004-53 of the Village of Gurnee."

*Section 106.6.3 Refunds.* This subsection is deleted in its entirety and a new subsection is added to read as follows:

"The applicant is entitled to a refund of 80 percent of the collected construction fee provided no work for which the permit was issued has been preformed, no inspection has been made, or the permit has not expired. No refund of the plan review fee will be allowed."

**CHAPTER 3 GENERAL REGULATIONS**

**SECTION 301 (IFGC) GENERAL**

*Section 301.1.1 Other fuels.* Replace "International Mechanical Code" here and all other locations in this code with "Gurnee Mechanical Code."

*Section 301.2 Energy utilization.* Replace "International Energy Conservation Code" here and in all other locations with "Illinois Energy Conservation Code."

**CHAPTER 4 GAS PIPING INSTALLATIONS**

**SECTION 403 (IFGS) PIPING AND MATERIALS**

*Section 403.5.4 Corrugated stainless steel tubing.* Delete this subsection in its entirety, without substitution.

**CHAPTER 6 SPECIFIC APPLIANCES**

**SECTION 621 (IFGC) UNVENTED ROOM HEATERS**

Delete all subsections in this section and add a new subsection:

"621.1 Prohibited use. Un-vented room heaters are prohibited in any habitable rooms or spaces occupied by humans."

**SECTION 624 WATER HEATERS**

*Section 624.1.1 Installation requirements.* Replace "International Plumbing Code" here and in all other locations in this code and replace with "Gurnee Plumbing Code."  
(Ord. No. 2012-33, § III, 4-16-2012)

**Sec. 18-402. Penalties.**

(a) In each section of the International Fuel Gas Code - 2012 Edition in which a fine or violation thereof is specified, the same is hereby superseded by the penalty provisions hereinafter set forth, which penalty provisions are hereby substituted so as to cover any and all violations of this article or of any provisions of said International Fuel Gas Code - 2012 Edition adopted there under.

(b) Any person who shall violate any provision hereof or any provisions of the International Fuel Gas Code - 2012 Edition hereby adopted or shall fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as may be affirmed or modified on appeal or by court of competent jurisdiction, within the time duly fixed for compliance, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750.00 and when not otherwise specified, each day during which any prohibited condition continues shall constitute a separate offense.

(c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.  
(Ord. No. 2012-33, § IV, 4-16-2012)

**Secs. 18-403—18-499. Reserved.**

## **ARTICLE X. GURNEE WILDLANE URBAN INTERFACE CODE\***

### **Sec. 18-500. Adoption.**

The regulations, conditions, definitions, and stipulations concerning the mitigation of hazard to life and property from the intrusion of fire from Wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to Wildland fuels, as set forth in the 2012 International Wildland Urban Interface Code, with modifications and supplements set forth in section 18-501, are hereby adopted and made applicable, subject to exceptions made in this article, to all existing or proposed identified construction, within the corporate limits of the village. The following chapters, and each section and subsection of each such chapter, are not hereby adopted and shall not be applicable in the village:  
(Ord. No. 2012-34, II, 4-16-2012)

\***Editor's note**—Ord. No. 2012-34, § I, adopted April 16, 2012 amended the code by adding art. X.

### **Sec. 18-501. Modifications, supplements and exceptions.**

The following sections of the 2012 International Wildland Urban Interface Code, are revised as follows:

#### **CHAPTER 1 ADMINISTRATION**

#### **SECTION 101 (IFGC) GENERAL**

*Section 101.1 Title.* Insert "Village of Gurnee" as name of jurisdiction.

*Section 103.1 Creation of enforcement agency.* Insert "Community Development" as name of Department.  
(Ord. No. 2012-34, III, 4-16-2012)

### **Sec. 18-502. Penalties.**

(a) In each section of the International Wildland Urban Interface Code - 2012 Edition in which a fine or violation thereof is specified, the same is hereby superseded by the penalty provisions hereinafter set forth, which penalty provisions are hereby substituted so as to cover any and all violations of this article or of any provisions of said International Wildland Urban Interface Code - 2012 Edition adopted there under.

(b) Any person who shall violate any provision hereof or any provisions of the International Wildland Urban Interface Code - 2012 Edition hereby adopted or shall fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as may be affirmed or modified on appeal or by court of competent jurisdiction, within the time duly fixed for compliance, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than \$750.00 and when not otherwise specified, each day during which any prohibited condition continues shall constitute a separate offense.

(c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.  
(Ord. No. 2012-34, IV, 4-16-2012)

Chapters 19—21

**RESERVED**





## Chapter 22

### **BUSINESSES\***

#### **Article I. Annual General Business License Regulations**

- Sec. 22-1. Purpose and jurisdiction.
- Sec. 22-2. Annual general business license required.
- Sec. 22-3. Definition of business.
- Sec. 22-4. Exceptions to business license fee.
- Sec. 22-5. Term of license.
- Sec. 22-6. Annual general business license application form.
- Sec. 22-7. Annual general business license fees.
- Sec. 22-8. Definition of gross floor area.
- Sec. 22-9. Late payment of fee penalty.
- Sec. 22-10. License fee, nonrefundable.
- Sec. 22-11. Temporary business license.
- Sec. 22-12. Compliance with laws required.
- Sec. 22-13. Inspections; right of entry.
- Sec. 22-14. Posting of business license required.
- Sec. 22-15. Penalty for violation.
- Secs. 22-16—22-30. Reserved.

#### **Article II. Licenses and Permits**

- Sec. 22-31. Licenses or permits required.
- Sec. 22-32. Application.
- Sec. 22-33. Payment of fee.
- Sec. 22-34. Bond and insurance.
- Sec. 22-35. Approval or denial of licenses.
- Sec. 22-36. Certificates.
- Sec. 22-37. License and permit term.
- Sec. 22-38. Exhibition of certificate.
- Sec. 22-39. Transfer.
- Sec. 22-40. Renewal.
- Sec. 22-41. Revocation.
- Sec. 22-42. Hearing.
- Sec. 22-43. Inspections.
- Secs. 22-44—22-70. Reserved.

#### **Article III. Food Delivery Vehicles**

- Sec. 22-71. License required.
- Sec. 22-72. Applications; fee.
- Sec. 22-73. Exemption.
- Sec. 22-74. Regulations.
- Sec. 22-75. Inspections.
- Sec. 22-76. Sale of ice cream from vehicles.
- Secs. 22-77—22-100. Reserved.

#### **Article IV. Bathing and Massage Establishments**

##### Division 1. Generally

- Sec. 22-101. Definitions.

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\***Cross references**—Alcoholic beverages, ch. 6; amusements, ch. 10; emergency services, ch. 30; peddlers and solicitors, ch. 50; secondhand goods, ch. 58; taxation, ch. 74; hotel or motel occupancy tax, § 74-151 et seq.; utilities, ch. 82; vehicles for hire, ch. 90.

## GURNEE MUNICIPAL CODE

- Sec. 22-102. Operating requirements.
- Sec. 22-103. Personnel.
- Sec. 22-104. Advertising.
- Sec. 22-105. Inspections.
- Sec. 22-106. Exceptions.
- Sec. 22-107. Hours.
- Sec. 22-108. Location requirements.
- Sec. 22-109. Building requirements.
- Sec. 22-110. Penalty.
- Sec. 22-111. Severability.
- Secs. 22-112—22-125. Reserved.

### Division 2. Licenses and Permits

- Sec. 22-126. License required.
- Sec. 22-127. Application for bathing establishment, massage establishment or auxiliary massage establishment license.
- Sec. 22-128. Issuance of massage establishment, bathing establishment or auxiliary massage establishment license.
- Sec. 22-129. Appeal from denial of license.
- Sec. 22-130. Fees.
- Sec. 22-131. Terms; prorating fee.
- Sec. 22-132. Transfer of license.
- Sec. 22-133. Renewal.
- Sec. 22-134. Display of license.
- Sec. 22-135. Revocation of license.
- Secs. 22-136—22-199. Reserved.

## **Article V. Body Modification/Tattoo Establishments**

### Division 1. Generally

- Sec. 22-200. Definitions.
- Sec. 22-201. Personnel.
- Sec. 22-202. Hours.
- Sec. 22-203. Location requirements.
- Sec. 22-204. Building requirements.
- Sec. 22-205. Penalty.
- Sec. 22-206. Severability.
- Secs. 22-207—22-215. Reserved.

### Division 2. Licenses and Permits

- Sec. 22-216. License required.
- Sec. 22-217. Application for body modification/tattoo establishment license.
- Sec. 22-218. Issuance of body modification/tattoo establishment license.
- Sec. 22-219. Appeal from denial of license.
- Sec. 22-220. Fees.
- Sec. 22-221. Terms; prorating fee.
- Sec. 22-222. Transfer of license.
- Sec. 22-223. Renewal.
- Sec. 22-224. Display of license.
- Sec. 22-225. Revocation of license.
- Secs. 22-226—22-299. Reserved.

## **Article VI. Regulations Prohibiting Video Gambling And Other Electronic Gambling Devices**

- Sec. 22-300. Video gambling and other electronic gambling devices prohibited.

## **ARTICLE I. ANNUAL GENERAL BUSINESS LICENSE REGULATIONS**

### **Sec. 22-1. Purpose and jurisdiction.**

This chapter is designed to provide for the means whereby the village may render the necessary inspections and services to businesses, occupations and activities to promote, protect, and safeguard the public safety, health and welfare of the residents of the village and to enable the maintaining of accurate records of such establishments located within the corporate limits of the village.

(Ord. No. 2006-96, § I, 11-6-2006)

### **Sec. 22-2. Annual general business license required.**

Every business, as defined in this chapter, whether or not subject to any other licensing requirements of the village or of any other governmental agency, shall annually apply for a general business license with the village administrator or designee in the manner, and at the times, prescribed in this article. If any business shall be required to secure additional licenses under this Code, a separate license shall be obtained.

(Ord. No. 2006-96, § I, 11-6-2006)

### **Sec. 22-3. Definition of business.**

For purposes of this chapter, the term "business" shall mean any person, sole proprietorship, partnership, corporation or other legal entity which engages in a commercial activity for remuneration within the village. The term "business" shall include, but shall not be limited to, a retail establishment, a resale store, a restaurant, a food handler, a service establishment, a manufacturing establishment, a bank, a real estate sales office, an insurance agency, a consulting firm, a law firm, a medical or dental office, a veterinary office, an accounting firm, a travel agent, a general contractor, an electrical contractor, a plumbing contractor, an excavation contractor, a publisher, a securities brokerage firm, a photography studio, a printer, a theater, a place of amusement, a gasoline service station, a vehicle repair facility, an outdoor advertiser, a tobacco dealer, a tanning

salon, a landscaper, a laundromat, a laundry, or a dry cleaner. The term business shall not include any of the following:

- (a) Activities sponsored or conducted exclusively by educational, civic, or political organizations or institutions.
- (b) Governmental institutions or agencies.
- (c) A home occupation.
- (d) Any business which is specifically and expressly preempted from local regulation and control by state or federal law.

(Ord. No. 2006-96, § I, 11-6-2006)

### **Sec. 22-4. Exceptions to business license fee.**

No annual business license fee shall be imposed upon any person, organization or corporation engaged in a business which is conducted solely for religious, charitable, or other nonprofit purposes which are tax exempt for such activities under the laws of the United States and the State of Illinois. Nothing in this section shall however relieve charitable nonprofit businesses from the requirement to obtain an annual business license as required herein.

(Ord. No. 2006-96, § I, 11-6-2006)

### **Sec. 22-5. Term of license.**

All annual general business licenses shall be due on the first day of January of each year and shall terminate on the last day of December of the same year where no provision to the contrary is set forth herein. Any business that commences initial operations within the village after January 1 of a given year shall, within 30 days after commencement, apply for its first annual general business license.

(Ord. No. 2006-96, § I, 11-6-2006)

### **Sec. 22-6. Annual general business license application form.**

Annual general business license and temporary business license applications shall be on forms prepared and supplied by the village administrator.

(Ord. No. 2006-96, § I, 11-6-2006)

**Sec. 22-7. Annual general business license fees.**

Upon the submittal of the annual general business license application, every business shall pay an annual general license application fee as outlined in section 32-32 as determined by the gross floor area of the applicant's business space, which shall be an addition to the fee for any other license required by this Code or other village ordinances.

(Ord. No. 2006-96, § I, 11-6-2006; Ord. No. 2013-40, § VI, 8-19-2013)

**Sec. 22-8. Definition of gross floor area.**

The gross floor area as used in this section shall mean the sum total of the gross horizontal areas of all of the several floors of a building and its accessory buildings measured in square feet from the exterior faces of the exterior walls or from the center line of party walls separating two buildings or business establishments on each floor.

(Ord. No. 2006-96, § 11-6-2006)

**Sec. 22-9. Late payment of fee penalty.**

If an annual general business license application is not timely filed, a penalty in the amount of ten percent of the license fee due and owing shall be assessed plus an additional penalty of \$10.00 for each month the application fee remains delinquent.

(Ord. No. 2006-96, § I, 11-6-2006)

**Sec. 22-10. License fee, nonrefundable.**

No business license fee or any portion thereof shall be refundable except in the case of an error in the determination of the amount of the license fee or in the event of double payment for a license.

(Ord. No. 2006-96, § I, 11-6-2006)

**Sec. 22-11. Temporary business license.**

Any business which engages in a commercial activity within the village for temporary period of less than 30 days shall obtain a temporary business license. A temporary business license shall be issued upon application and payment of a fee as outlined in section 32-32 provided there is no danger to the public health or safety and further

provided that a temporary or permanent use permit has been issued for a particular location in the village.

(Ord. No. 2006-96, § I, 11-6-2006; Ord. No. 2013-40, § VI, 8-19-2013)

**Sec. 22-12. Compliance with laws required.**

No license shall be issued to any business if the premises and building to be used for the business do not fully comply with the requirements of the Village Municipal Code or other village ordinances.

(Ord. No. 2006-96, § I, 11-6-2006)

**Sec. 22-13. Inspections; right of entry.**

The village administrator, or designee, is authorized to make such inspections of licensed premises and take such action as may be required to enforce the provisions of any business license ordinance. The village administrator may designate any appropriate village employees, and specifically including the appropriate fire, police or code enforcement officers to undertake such inspections. Inspections shall, to the extent possible, be in compliance with the following procedure:

- (a) An inspector may enter any licensed business location, at any reasonable time, to inspect the same or perform any duty imposed on the village administrator, or designee, by any business license or regulation ordinance.
- (b) If the place of business is occupied, the inspector shall first present proper credentials and demand entry and right to inspect.
- (c) If the place of business is unoccupied, the inspector shall first make a reasonable effort to locate the licensee or other person having charge or control of the premises and shall then present proper credentials and demand entry and right to inspect.
- (d) No licensee, employee or agent, shall fail or neglect, after proper demand, to admit the inspector, acting within the scope of the inspector's employment, to any loca-

tion licensed for business, or to interfere with the inspector while in the performance of the inspector's duty.

- (e) Nothing herein shall prevent or prohibit undercover investigations or inspections by appropriate officers in the appropriate circumstances.

(Ord. No. 2006-96, § I, 11-6-2006)

**Sec. 22-14. Posting of business license required.**

It shall be the duty of any person in the village conducting a licensed business in the village to keep his or her license posted in a prominent place on the premises used for that business at all times.

(Ord. No. 2006-96, § I, 11-6-2006)

**Sec. 22-15. Penalty for violation.**

A violation of any provision of the chapter shall be punishable in accordance with Village Municipal Code section 1-11. Further, all remedies prescribed in the Village's Municipal Code shall be cumulative. The use of one or more remedies by the village shall not bar the use of any other remedy for the purpose of enforcing these provisions.

(Ord. No. 2006-96, § I, 11-6-2006)

**Secs. 22-16—22-30. Reserved.**

**ARTICLE II. LICENSES AND PERMITS**

**Sec. 22-31. Licenses or permits required.**

No person shall engage in any trade, profession, business or privilege in the village for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the village in the manner provided in this article, unless otherwise specifically provided.

(Code 1977, § 31.01)

**Sec. 22-32. Application.**

Unless otherwise provided, application for a license or permit shall be made in writing to the clerk, upon forms provided by the village and the

applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

(Code 1977, § 31.02)

**Sec. 22-33. Payment of fee.**

The fees required for any license or permit shall be paid at the office of the clerk before the granting of the license or permit. Except as otherwise provided in this Code, no fee paid shall be refunded unless the license or permit is denied. Where over half the license year has expired the license fee for the remainder of the license year shall be one-half of the annual license fee.

(Code 1977, § 31.03)

**Sec. 22-34. Bond and insurance.**

All required bonds shall be executed by two sureties, or a surety company, and be subject to the approval of the village attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the village attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the village before the license or permit is issued.

(Code 1977, § 31.04)

**Sec. 22-35. Approval or denial of licenses.**

(a) Where the approval of any village officer or state officer is required prior to the issuance of any license or permit, such approval must be presented to the village before any license or permit is issued.

(b) No license or permit shall be approved by any village officer or issued by the village if it appears that the conduct of the activity for which a license or permit is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.

(Code 1977, § 31.05)

**Sec. 22-36. Certificates.**

Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the

license or permit, and shall be signed in the name of the village by the village president, and be impressed with the village seal. The clerk shall keep a record of all licenses and permits issued. (Code 1977, § 31.06)

**Sec. 22-37. License and permit term.**

(a) Unless otherwise provided, the term of the license year shall end on May 1 of each year.

(b) Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance. In such instances fees will be prorated to the closest quarter of total annual fee schedule.

(c) Permits shall be issued for the term set forth in the permit. (Code 1977, § 31.07)

**Sec. 22-38. Exhibition of certificate.**

Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(Code 1977, § 31.08)

**Sec. 22-39. Transfer.**

Unless otherwise provided, no license or permit shall be transferable or assignable.

(Code 1977, § 31.09)

**Sec. 22-40. Renewal.**

Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as original licenses or permits.

(Code 1977, § 31.10)

**Sec. 22-41. Revocation.**

(a) Any license or permit may be suspended or revoked by the village president or board of trustees for any of the following causes:

- (1) Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.
- (2) Conviction of any crime or misdemeanor.
- (3) Conducting such activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the village, upon recommendation of the appropriate village official.
- (4) Expiration or cancellation of any required bond or insurance.
- (5) Actions unauthorized or beyond the scope of the license or permit granted.
- (6) Violation of any regulation or provision of this Code applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable.
- (7) Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

(b) Revocation of a license or permit does not prohibit imposition of any penalty for a violation of this Code.

(Code 1977, § 31.11)

**Sec. 22-42. Hearing.**

Any person aggrieved by the action of any village official in denying or revoking a license or permit shall have the right to a hearing before the board of trustees on any such action, provided a written request therefor is filed with the clerk within ten days after receipt of the notice of such suspension or revocation or reinstatement of any such license or permit. The action taken by the board after a hearing shall be final.

(Code 1977, § 31.12)



**Sec. 22-43. Inspections.**

Village officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

(Code 1977, § 31.13)

**Secs. 22-44—22-70. Reserved.**

### ARTICLE III. FOOD DELIVERY VEHICLES

**Sec. 22-71. License required.**

It shall be unlawful to use or permit the use of any vehicle for the storage or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery products, or any other provisions intended for human consumption, including beverages, in the village for the purpose of delivering any such foodstuffs to any place in the village for use and consumption, at wholesale or retail, unless a license for such vehicle is first secured.

(Code 1977, § 32.05(a))

**Sec. 22-72. Applications; fee.**

(a) Applications for such licenses shall recite the name and address of the owner of the vehicle, the name or names of the persons from whom such deliveries are made, and the nature of the goods carried.

(b) The annual fee for such licenses shall be as set forth in section 32-32, and shall be issued for one-year.

(Code 1977, § 32.05(b); Ord. No. 2013-40, § VI, 8-19-2013)

**Sec. 22-73. Exemption.**

No license fee shall be required for any vehicle used to deliver foodstuffs from any establishment which is licensed and inspected as a food dealing establishment in the village. All provisions of this article, other than that providing for the payment of a fee, shall be complied with in connection with such vehicles.

(Code 1977, § 32.05(c))

**Sec. 22-74. Regulations.**

(a) All such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day they are so used. It shall be unlawful to permit stale food, decaying matter, or any other waste material or product to accumulate in or on any such vehicle while it is so used.

(b) If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects.

(Code 1977, § 32.05(d))

**Sec. 22-75. Inspections.**

It shall be the duty of the president to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this article.

(Code 1977, § 32.05(e))

**Sec. 22-76. Sale of ice cream from vehicles.**

(a) No person shall operate an ice cream vending vehicle or act as an ice cream vendor within the village without first having complied with the provisions of this section.

*Definitions.* For the purpose of this section the following definitions shall apply:

- (1) *Ice cream vending vehicle* means a vehicle from which the retail sale by ice cream or similar frozen confections for human consumption is conducted from a roadway.
- (2) *Owner* means the titleholder of a vending vehicle for ice cream or similar frozen confections.
- (3) *Retail sale* means the sale of ice cream or similar frozen confections to the consumer thereof.
- (4) *Vehicle* means every device that is mechanically propelled, motorized and designed to transport one or more persons.
- (5) *Ice cream vending* means the act of selling, or offering to sell, any ice cream or similar frozen confections for human consumption from an ice cream vending vehicle.



(6) *Ice cream vendor* means any person who physically operates an ice cream vending vehicle or any person who physically conducts ice cream vending from such a vehicle.

(7) *Village* means the Village of Gurnee, Lake County, Illinois.

(b) *License requirements.* No corporation, partnership, sole proprietor or other business entity shall:

- (1) Operate an ice cream vending vehicle without having first obtained an ice cream vending vehicle business license; or
- (2) Employ a person as an ice cream vendor with in the village without having first obtained an ice cream vending vehicle business license; or
- (3) Rent, lease or otherwise provide an ice cream vending vehicle to an ice cream vendor within the village without having first obtained an ice cream vending vehicle business license.

The fee shall be as provided in [section 32-32]. The maximum number of business licenses for the operation of an ice cream vending vehicle business is three.

(c) *Ice cream vending vehicle license.*

- (1) No vehicle shall be operated within the village as an ice cream vending vehicle without first having obtained an ice cream vending vehicle license. The license shall be affixed to the windshield of the ice cream vending vehicle. The ice cream vending vehicle license fee is listed in [section 32-32].
- (2) The holder of a valid ice cream vending vehicle business license may apply for a maximum of four ice cream vending vehicle licenses.
- (3) Prior to the issuance of an ice cream vending vehicle license the applicant shall submit a copy of their annual permit issued by the Lake County Health Department.

(4) Every ice cream vending vehicle operated within the village shall be covered by a policy of public liability insurance issued by a solvent and responsible insurance company authorized to do business in [State of] Illinois in a minimum amount of \$300,000.00 for bodily injury or death to a person and \$100,000.00 for damage to property.

(5) No vehicle shall be operated within the village as an ice cream vending vehicle unless the owner provides a copy of a village vehicle safety inspection form completed by an automotive service excellence (A.S.E.) certified mechanic indicating the vehicle is in a safe, operable condition.

(d) *Ice cream vendor's license.*

- (1) No person shall operate or act as an ice cream vendor within the village without having first obtained an ice cream vendor's license.
- (2) No ice cream vendor's license shall be issued to a person who is a "sex offender" as defined in the Sex Offender Registration Act.
- (3) Application for an ice cream vendor's license shall be made to the village clerk, in writing, signed by the applicant under oath or by affidavit to its truthfulness and accuracy and shall contain the following information and statements:
  - a. The applicant's name, address, and telephone number.
  - b. The applicant's date of birth, social security number and driver's license number.
  - c. The applicant's fingerprints.
  - d. A statement that the applicant is not a sex offender as defined in the Sex Offender Registration Act.
  - e. A current passport-size photograph of the applicant.
  - f. A copy of the applicant's valid driver's license.

- (4) An application received by the village clerk shall be forthwith forwarded to the police chief who shall determine whether the applicant complies with this section.
- (5) Upon receipt of confirmation from the police chief that the applicant complies with this section, the village clerk shall issue the license. The license shall be in the form of a photograph identification card.
- (6) The photograph identification card shall be worn on the outer clothing of all ice cream vendors at all times while ice cream vending.
- (7) The license fee for an ice cream vendor's license shall be provided in [section 32-32].

(e) *Ice cream vending vehicles.* Ice cream vending vehicles shall be equipped with the following equipment which shall be maintained in good working order at all times:

- (1) A sign on the front and back of the ice cream vending vehicle which shall consist of reflective letters no less than three inches in height and shall state "CAUTION CHILDREN CROSSING."
- (2) A foldout, diamond-shaped sign on the left side of the ice cream vending vehicle which shall consist of black on yellow reflective letters no less than five inches in height and shall state "SLOW". This sign shall be located at a height of between three feet and five feet above ground level and shall be displayed at a ninety-degree angle to the left side of the vehicle whenever it is stopped for the purpose of vending.
- (3) Two amber lights, each five inches in diameter, mounted on the left and right front, and two amber lights each five inches in diameter, mounted on the left and right rear of the ice cream vending vehicle, all at the top of the vehicle. Each left light shall flash alternately from the opposing right light, and have sufficient lumens so that the flashing will be visible

at a distance of five hundred feet whenever the vehicle is stopped for the purpose of vending.

- (4) A litter or trash container, visible and available to customers of the ice cream vending vehicle.
- (5) A mechanical refrigeration unit or dry ice, which will keep all perishable ice cream or similar frozen confections at a temperature of zero degrees to minus ten degrees Fahrenheit. Dry ice may not come into direct contact with the ice cream or similar frozen confection. The use of ice for refrigeration is prohibited.
- (6) A sign on the side of the ice cream vending vehicle which shall consist of letters no less than five inches in height and shall state the name, telephone number of the owner of the vehicle, and an identification numeral distinguishing the truck.

(f) *Prohibitions on conducting business.* The following shall not be performed from a vending vehicle:

- (1) Vending from the left, or driver's side, of the vehicle.
- (2) Vending from the ice cream vending vehicle directly to another vehicle.
- (3) The emission of any amplified music intended to advertise the presence of vehicle. Amplified mechanized bells or chimes are permitted only while the ice cream vending vehicle is in motion.
- (4) Vending if the vehicle is not parked with the right side thereof to the curb or right side of the roadway.
- (5) Vending in a "no parking" area.
- (6) Vending within a distance of one hundred feet from the nearest intersecting roadway.
- (7) Vending before 10:00 a.m. any day, or after 8:00 p.m. any day.
- (8) Vending on any of the following roadways:

**ARTICLE IV. BATHING AND MASSAGE ESTABLISHMENTS\***

**DIVISION 1. GENERALLY**

**Sec. 22-101. Definitions.**

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

*Auxiliary massage establishment* means any building or tenant space in which any person, firm, association, or corporation, or any person employed by such person, firm, association, or corporation, engages or is permitted to engage in the practice of massage as an accessory use customary and clearly incidental to a principal business and use, including but not limited to services offered by a hotel, health club or spa, or beauty salon.

*Bathing establishment* means any building, room, place or establishment other than a regularly established and licensed hospital, assisted living facility, nursing home, or dispensary wherein are given steam baths, steam vapor baths, vapor baths, electric cabinet baths, electric light baths, electric tub baths, sponge baths, shower baths, sun baths, tub baths, and mud baths, mineral baths, Finnish, Russian, Swedish or Turkish baths, salt glows, massage, fomentation, electric or magnetic treatments, alcohol rubs and rubs or massages with or without any other ingredients.

*Employee* means any and all persons, other than masseurs or masseuses, employed by a licensee and who render services on the premises exclusively related to the operation of a massage establishment or auxiliary massage establishment.

*Licensee* means the operator or owner (if an individual) of a massage establishment or the operator, owner, or manager of a business of an auxiliary massage establishment.

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**\*Editor's note**—Ord. No. 2013-27, § I, adopted May 20, 2013, repealed art. IV, §§ 22-101—22-111, 22-126—22-137, in its entirety and enacted a new art. IV, §§ 22-101—22-111, 22-126—22-135. Former art. IV, pertained to similar subject matter and was derived from Code 1977, § 32.06(a)—(c)(1)—(10), (12)—(14), (d)(1)—(9), (e)—(s).

- Delany Road
- Dilly's Road
- Gages Lake Road
- Hunt Club Road
- Illinois Route 120
- Illinois Route 132
- Illinois Route 21
- O'Plaine Road
- Stearns School Road
- US Route 41
- Washington Street

- (9) Conducting a sale to any customer who is standing on a roadway.
- (10) Vending of ice cream or other similar confections in other than sealed packages.
- (11) Conducting ice cream vending within a village park unless permitted by the Gurnee Park District.
- (12) Vending of products other than ice cream or similar frozen confections.

(g) *Operator's restrictions.* It shall be unlawful for any person who is afflicted with or is the carrier of any infectious or contagious disease of being transmitted by contact with food products to conduct ice cream vending.

Ice cream vendors shall wear a clean white, collared shirt, which identifies the vendor as an ice cream vendor.

(h) *Penalty.* Any person convicted of violating any provision of this section shall be subject to a fine of not less than \$75.00 nor more than \$500.00 for each offense, and each violation shall be deemed a separate offense.  
(Ord. No. 2000-73, § 1(32.07), 6-19-00; Ord. No. 2013-40, § VI, 8-19-2013)

**Secs. 22-77—22-100. Reserved.**

*Massage or the practice of massage* means any method of applying pressure or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft parts of the body with the hands or feet, or with the aid of any apparatus or appliance, with or without such supplementary aids such as rubbing alcohol, ointments, liniments, antiseptics, oil, powders, creams, lotions, or similar preparations.

*Massage establishment* means any building, room, place or establishment other than a regularly licensed and established hospital, assisted living facility, nursing home or dispensary where nonmedical and nonsurgical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational and physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices. Massage establishment shall also include any bathing establishment.

*Masseur or masseuse* means any person who, for any consideration whatsoever, engages in the practice of massage.

*Person* means any individual, co-partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

*Sexual or genital areas* means the genitals, pubic area, anus, or perineum of any person and the breasts of a female.

(Ord. No. 2013-27, § I, 5-20-2013)

### **Sec. 22-102. Operating requirements.**

(a) Each masseur or masseuse shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to a patron.

(b) All employees, masseurs and masseuses shall wear clean, non-transparent outer garments which completely cover the sexual and genital areas.

(c) The sexual and genital areas of patrons must be covered at all times by towels, cloths, or undergarments when in the presence of an employee, masseur or masseuse.

(d) No employee, masseur or masseuse shall intentionally fondle in any manner or massage the sexual or genital area of any patron or perform any act which involves or includes the touching of a patron's genital area.

(e) No masseur or masseuse shall administer a massage on a patron's skin inflammation or skin eruption, unless a physician duly licensed by the state certifies, in writing, that such person may be safely massaged on such area.

(f) Every portion of a massage establishment or auxiliary massage establishment shall be maintained in a clean and sanitary condition at all times.

(g) Adequate equipment for disinfecting and sterilizing non-disposable instruments used in administering massages shall be provided. Such instruments shall be disinfected after use on each patron.

(h) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with the administration of massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets separate from the clean storage area.

(i) The partition walls between rooms shall be kept enclosed from floor to ceiling and wall to wall and the doors and walls of such rooms shall be so constructed and maintained as to insure the utmost privacy.

(Ord. No. 2013-27, § I, 5-20-2013)

### **Sec. 22-103. Personnel.**

(a) It shall be unlawful for anyone under 18 years of age to be either a patron or employee of a bathing establishment or massage establishment.

(b) No person shall provide a massage to another person on any premises for which a massage establishment license has been issued or is required unless duly licensed by the state department of financial and professional regulation.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-104. Advertising.**

No massage establishment, auxiliary massage establishment, licensed under this article, or masseur, masseuse, or other employee of any establishment licensed under this article shall place, publish or cause to be published, or distributed any advertising matter or material that would reasonably suggest to prospective patrons the availability of any services other than authorized massage services.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-105. Inspections.**

(a) The chief of police or his designee and the director of community development or his designee shall from time to time, and at least once yearly, make an inspection of each massage establishment, auxiliary massage establishment and bathing establishment for the purpose of determining compliance with the provisions of this article. Such inspections shall be made at reasonable times and in a reasonable manner.

(b) Failure to allow entry to the premises for the purposes of inspection shall be cause for revocation of the license by the village.

(c) The county health department shall have the general sanitary supervision of all such establishments or places of business.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-106. Exceptions.**

The provisions of this article do not apply to licensed physicians, surgeons, dentists, occupational and physical therapists, osteopaths, chiropractors or athletic directors assigned to schools when engaged in their regular professions or occupations.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-107. Hours.**

No massage establishment, auxiliary massage establishment or bathing establishment shall be open earlier than 8:00 a.m. and not later than 10:00 p.m. on any day.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-108. Location requirements.**

(a) No massage establishment shall be located within 1,000 feet of a pre-existing massage establishment, pre-existing body modification establishment, any pre-existing district zoned or used as residential, or a pre-existing school or place of worship.

(b) No massage establishment shall be located within 300 feet of any pre-existing business licensed to sell alcoholic beverages.

(c) Auxiliary massage establishments shall be permitted in any zoning district in which the business offering such services is a conforming permitted use, or a special use for which a special use permit has been granted, under the zoning ordinance.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-109. Building requirements.**

(a) Massage establishments and bathing establishments shall conform to all applicable requirements of the plumbing, building, electrical, and fire prevention codes of the village.

(b) Auxiliary massage establishments shall conform to all requirements of the plumbing, building, electrical and fire prevention codes of the village applicable to the principal business or use in which they are located.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-110. Penalty.**

A violation of any provision of this chapter shall be punishable in accordance with section 1-11. Further, all remedies prescribed in this Code shall be cumulative. The use of one or more remedies by the village shall not bar the use of any other remedy for the purpose of enforcing these provisions.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-111. Severability.**

In the event that any section, clause, provision, or part of this article shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force



and effect. If any part of this article is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

(Ord. No. 2013-27, § I, 5-20-2013)

**Secs. 22-112—22-125. Reserved.**

**DIVISION 2. LICENSES AND PERMITS**

**Sec. 22-126. License required.**

No person shall carry on the business of a bathing establishment, massage establishment, or auxiliary massage establishment within the village without first obtaining a license from the village.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-127. Application for bathing establishment, massage establishment or auxiliary massage establishment license.**

Application for a license under this article shall be made to the community development director in writing and signed by the applicant, if an individual, or a duly authorized agent thereof, if a co-partnership or corporation, verified by oath or affidavit, and shall contain the following statements of information:

- (1) The position held by the applicant or relationship to the business for which application is being made;
- (2) Name, including any alias, and address, work and home phone numbers;
- (3) Written proof that the individual is at least 18 years of age;
- (4) All residential addresses for the past three years;
- (5) The business, occupation or employment of the applicant for the four years immediately preceding the date of application;
- (6) The massage or similar business license or permit history of the applicant, i.e., whether such person, in previously operating in this or another village, or city or

state under a license or permit, has had such license or permit revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation;

- (7) All criminal or village ordinance violation convictions, including forfeiture of bond and pleadings of nolo contendere, on all federal, state and local charges, except minor traffic violations;
- (8) A recent photograph of the applicant;
- (9) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation exactly as shown in its articles of incorporation;
- (10) The name and address of the business and a drawing or written description which adequately depicts the location of the building or tenant space where the massage business is to be conducted; and
- (11) The information outlined in subsections (1)—(9), is required for the following individuals:
  - a. The manager or owner;
  - b. Any partner or limited partner of a partnership application; and
  - c. Any officer, director, or greater than ten percent stockholder of a corporate applicant or corporate partner of a partnership.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-128. Issuance of massage establishment, bathing establishment or auxiliary massage establishment license.**

Upon receipt of a completed license application, the community development director shall cause the chief of police to investigate and report on the accuracy of the information therein, the character of persons listed on the application, and compliance with the provisions of this article. The chief of police may require such additional information of the applicant as may be necessary to his investigation. The community development direc-

tor shall issue a license within 60 days of receipt of such application unless investigative findings indicate:

- (1) That the building or tenant space in which the massage establishment or auxiliary massage establishment is located is in violation of section 22-108 or 22-109.
- (2) That the application contains falsified information, omissions, or intentional misrepresentations.
- (3) That any person required to be listed on the application has been convicted of a felony.

(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-129. Appeal from denial of license.**

(a) Any person whose license application has been denied by virtue of a licensing investigation shall be so notified by the community development director. Notification shall be made by certified mail, return receipt requested, to the address of the applicant appearing on the application. Should the notice be undeliverable, the village shall be under no further obligation to notify the applicant.

(b) Within ten days of the date of notice, the applicant may request a hearing on the denial. Requests for a hearing shall be made in writing to the community development director.

(c) Such hearings shall be at a time and place established by the board of trustees. The applicant may be accompanied by legal counsel and present witnesses and submit evidence. Following the hearing, the board of trustees shall have the right to confirm denial of the license or order issuance of the license.

(d) If denial of a license is confirmed by a hearing, or if the applicant fails to request a hearing as provided herein, the applicant shall not be eligible to reapply for a license for a period of one-year from the date of notice of denial from the community development director.  
(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-130. Fees.**

The annual fees for licenses under this section shall be as set forth in section 32-32.  
(Ord. No. 2013-27, § I, 5-20-2013; Ord. No. 2013-40, § VI, 8-19-2013)

**Sec. 22-131. Terms; prorating fee.**

Each license under this article shall terminate on the thirtieth day of April following the date of issuance. Application fees shall not be prorated.  
(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-132. Transfer of license.**

No license under this article shall be transferable. Provided, however, that in case of death of the licensee of a massage establishment or auxiliary massage establishment, the executors or administrators of the estate of the deceased licensee may exercise the privileges of the licensee to allow for the orderly dissolution or disposition of the business, but not longer than 90 days or until the expiration of such license, whichever occurs first.  
(Ord. No. 2013-27, § I, 5-20-2013; Ord. No. 2013-40, § VI, 8-19-2013)

**Sec. 22-133. Renewal.**

License renewals shall be issued in the same manner and be subject to the same conditions as the original license.  
(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-134. Display of license.**

Any person issued a license under this article shall post and display said license in a prominent place visible to patrons and the general public alike.  
(Ord. No. 2013-27, § I, 5-20-2013)

**Sec. 22-135. Revocation of license.**

(a) Every license issued under this article is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee or any employee of the licensee or any person listed on the application violate any requirement of this article, or have committed any act subse-



quent to issuance of the license which would have resulted in denial of the license under this article.

(b) Said license may be revoked by the community development director after written notice to the licensee, which notice shall specify the violations with which the licensee is charged, if, after a hearing, the licensee is found to be guilty of such violations. Ten days notice of the hearing shall be given to the licensee by the community development director by certified mail, return receipt requested to the last known address of the licensee. The applicant may be accompanied by legal counsel and present witnesses and submit evidence in his defense at said hearing.

(c) Revocation of a license shall be in addition to any fine imposed.  
(Ord. No. 2013-27, § I, 5-20-2013)

**Secs. 22-136—22-199. Reserved.**

## ARTICLE V. BODY MODIFICATION/TATTOO ESTABLISHMENTS\*

### DIVISION 1. GENERALLY

#### **Sec. 22-200. Definitions.**

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

*Body modification / tattoo artist* means any person employed by a licensed body modification/ tattoo establishment to perform tattooing services, body piercing, and/or non-medical body modification.

*Body modification / tattoo establishment* means any business that offers tattooing services, body piercing, and/or non-medical body modification.

**\*Editor's note**—Ord. No. 2013-28, §§ I, II, adopted May 20, 2013, renumbered ch. 22, art. V, §§ 22-200—22-204, as ch. 78, art. VII, § 78-200—78-204, and enacted a new ch. 22, art. V, §§ 22-200—22-207, 22-216—22-225. Former ch. 22, art. V, pertained to regulations pertaining to the immobilization of motor vehicles on private property.

Body modification/tattoo establishments do not include an establishment that offers only ear piercing as an ancillary service.

*Employee* means any and all persons, other than body modification/tattoo artists, employed by a licensee and who render services on the premises exclusively related to the operation of a body modification/tattoo establishment.

*Licensee* means the operator or owner (if an individual) of a body modification/tattoo establishment.

*Person* means any individual, co-partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

*Tattooing* means any method of placing permanent designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin with ink or any other substance, by the aid of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

(Ord. No. 2013-28, § II, 5-20-2013)

#### **Sec. 22-201. Personnel.**

(a) It shall be unlawful for anyone under 18 years of age to be either a patron or employee of a body modification/tattoo establishment.

(b) No person shall provide a body modification/ tattoo to another person on any premises for which a body modification/tattoo license has been issued or is required unless duly licensed by the state department of professional regulation.

(Ord. No. 2013-28, § II, 5-20-2013)

#### **Sec. 22-202. Hours.**

No body modification/tattoo establishment shall be open earlier than 8:00 a.m. and not later than 10:00 p.m. on any day.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-203. Location requirements.**

(a) No body modification/tattoo establishment may be located within 1,000 feet of a pre-existing body modification/tattoo establishment, pre-existing principal massage establishment, or pre-existing adult entertainment facility.

(b) No body modification/tattoo establishment shall be located within 300 feet of any existing establishment licensed to sell alcoholic beverages.

(c) Body modification/tattoo establishments shall be permitted in any zoning district in which the business offering such services is a conforming permitted use, or a special use for which a special use permit has been granted, under the zoning ordinance.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-204. Building requirements.**

Body modification/tattoo establishments shall conform to all applicable requirements of the plumbing, building, electrical, and fire prevention codes of the village.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-205. Penalty.**

A violation of any provision of this chapter shall be punishable in accordance with section 1-11. Further, all remedies prescribed in this Code shall be cumulative. The use of one or more remedies by the village shall not bar the use of any other remedy for the purpose of enforcing these provisions.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-206. Severability.**

In the event that any section, clause, provision, or part of this article shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this article is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

(Ord. No. 2013-28, § II, 5-20-2013)

**Secs. 22-207—22-215. Reserved.**

DIVISION 2. LICENSES AND PERMITS

**Sec. 22-216. License required.**

(a) No person shall carry on the business of a body modification/tattoo establishment within the village without being registered with the state under the Illinois Tattoo and Body Piercing Establishment Registration Act (410 ILCS 54/1).

(b) No person shall carry on the business of a body modification/tattoo establishment within the village without first obtaining a license from the village.

(c) All body modification/tattoo establishments must be in compliance with all federal, state, and county licensing and practice standards. If any such standard conflicts with this section, the stricter shall apply.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-217. Application for body modification/tattoo establishment license.**

Application for a license under this article shall be made to the community development director in writing and signed by the applicant, if an individual, or a duly authorized agent thereof, if a co-partnership or corporation, verified by oath or affidavit, and shall contain the following statements of information:

- (1) The position held by the applicant or relationship to the business for which application is being made;
- (2) Name, including any alias, and address, work and home phone numbers;
- (3) Written proof that the individual is at least 18 years of age;
- (4) All residential addresses for the past three years;
- (5) The business, occupation or employment of the applicant for the four years immediately preceding the date of application;
- (6) The tattoo or similar business license or permit history of the applicant, i.e., whether

such person, in previously operating in this or another village, or city or state under a license or permit, has had such license or permit revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation;

- (7) All criminal or village ordinance violation convictions, including forfeiture of bond and pleadings of nolo contendere, on all federal, state and local charges, except minor traffic violations;
- (8) A recent photograph of the applicant;
- (9) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation exactly as shown in its articles of incorporation;
- (10) The name and address of the business and a drawing or written description which adequately depicts the location of the building or tenant space where the body medication/tattoo business is to be conducted and a written statement that the applicant has filed for a certificate of occupancy;
- (11) The information outlined in subsections (1)—(10) above, is required for the following individuals:
  - a. The manager or owner;
  - b. Any partner or limited partner of a partnership application; and
  - c. Any officer, director, or greater than ten percent stockholder of a corporate applicant or corporate partner of a partnership.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-218. Issuance of body modification/tattoo establishment license.**

Upon receipt of a completed license application, the community development director shall cause the chief of police to investigate and report on the accuracy of the information therein, the character of persons listed on the application, and compliance with the provisions of this article. The chief of police may require such additional infor-

mation of the applicant as may be necessary to his investigation. The community development director shall issue a license within 60 days of receipt of such application unless investigative findings indicate:

- (1) That the building or tenant space in which the body modification/tattoo establishment is located is in violation of section 22-203 or 22-204.
- (2) That the application contains falsified information, omissions, or intentional misrepresentations.
- (3) That any person required to be listed on the application has been convicted of a felony.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-219. Appeal from denial of license.**

(a) Any person whose license application has been denied by virtue of a licensing investigation shall be so notified by the community development director. Notification shall be made by certified mail, return receipt requested, to the address of the applicant appearing on the application. Should the notice be undeliverable, the village shall be under no further obligation to notify the applicant.

(b) Within ten days of the date of notice, the applicant may request a hearing on the denial. Requests for a hearing shall be made in writing to the community development director.

(c) Such hearings shall be at a time and place established by the board of trustees. The applicant may be accompanied by legal counsel and present witnesses and submit evidence. Following the hearing, the board of trustees shall have the right to confirm denial of the license or order issuance of the license.

(d) If denial of a license is confirmed by a hearing, or if the applicant fails to request a hearing as provided herein, the applicant shall not be eligible to reapply for a license for a period of one-year from the date of notice of denial from the community development director.  
(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-220. Fees.**

The annual fees for a body modification/tattoo establishment license under this article shall be \$1,000.00.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-221. Terms; prorating fee.**

Each license under this article shall terminate on the thirtieth day of April following the date of issuance. Application fees shall not be prorated.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-222. Transfer of license.**

No license under this article shall be transferable. Provided, however, that in case of death of the licensee of a body modification/tattoo establishment, the executors or administrators of the estate of the deceased licensee may exercise the privileges of the licensee to allow for the orderly dissolution or disposition of the business, but not longer than 90 days or until the expiration of such license, whichever occurs first.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-223. Renewal.**

License renewals shall be issued in the same manner and be subject to the same conditions as the original license.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-224. Display of license.**

Any person issued a license under this article shall post and display said license in a prominent place visible to patrons and the general public alike.

(Ord. No. 2013-28, § II, 5-20-2013)

**Sec. 22-225. Revocation of license.**

(a) Every license issued under this article is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee or any employee of the licensee or any person listed on the application violate any requirement of this article, or have committed any act subsequent to issuance of the license which would have resulted in denial of the license under this article.

(b) Said license may be revoked by the community development director after written notice to the licensee, which notice shall specify the violations with which the licensee is charged, if, after a hearing, the licensee is found to be guilty of such violations. Ten days notice of the hearing shall be given to the licensee by the community development director by certified mail, return receipt requested to the last known address of the licensee. The applicant may be accompanied by legal counsel and present witnesses and submit evidence in his defense at said hearing.

(c) Revocation of a license shall be in addition to any fine imposed.

(Ord. No. 2013-28, § II, 5-20-2013)

**Secs. 22-226—22-299. Reserved.**

**ARTICLE VI. REGULATIONS  
PROHIBITING VIDEO GAMBLING AND  
OTHER ELECTRONIC GAMBLING  
DEVICES**

**Sec. 22-300. Video gambling and other electronic gambling devices prohibited.**

Video gambling and all other forms of gambling devices, including but limited to any video gaming terminal as defined in the Video Gaming Act, 230 ILCS 40/5 are hereby prohibited within the corporate limits of the village. The operation or installation of any electronic gambling terminal including video gambling devices, by any licensed establishment, fraternal establishment or veterans establishment, or by any other establishment, business or entity located within the corporate limits of the village is prohibited.

(Ord. No. 2012-16, § I, 2-20-2012)

Chapters 23—25

**RESERVED**



## Chapter 26

### **CIVIL EMERGENCIES\***

#### **Article I. In General**

Secs. 26-1—26-30. Reserved.

#### **Article II. Emergency Services and Disaster Agency**

- Sec. 26-31. Establishment.
- Sec. 26-32. Coordinator.
- Sec. 26-33. Functions.
- Sec. 26-34. Service as mobile support team.
- Sec. 26-35. Agreements with other political subdivisions.
- Sec. 26-36. Emergency action.
- Sec. 26-37. Compensation.
- Sec. 26-38. Reimbursement by state.
- Sec. 26-39. Purchases and expenditures.
- Sec. 26-40. Oath.
- Sec. 26-41. Use of office.
- Sec. 26-42. Appropriation, levy of taxes.

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\***Cross references**—Administration, ch. 2; emergency services, ch. 30; fire prevention and protection, ch. 34; law enforcement, ch. 42.





## ARTICLE I. IN GENERAL

**Secs. 26-1—26-30. Reserved.**

## ARTICLE II. EMERGENCY SERVICES AND DISASTER AGENCY\*

**Sec. 26-31. Establishment.**

(a) There is hereby created the village emergency services and disaster agency (ESDA) to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or manmade disaster, in accordance with 20 ILCS 3305/1 et seq.

(b) The emergency services and disaster agency shall consist of the coordinator and such additional members as may be selected by the coordinator.

(Code 1977, § 3.16(a))

**Sec. 26-32. Coordinator.**

(a) The coordinator of the village emergency services and disaster agency shall be appointed by the village president and approved by the board of trustees and shall serve until removed by the president and board of trustees.

(b) The coordinator of the village emergency services and disaster agency shall have direct responsibility for the organization, administration, training, and operation of the emergency services and disaster agency, subject to the direction and control of the village president as provided by statute.

(c) In the event of the absence, resignation, death or inability to serve as the coordinator of the village emergency services and disaster agency, the village president or any person designated by him, shall be and act as coordinator until a new appointment is made as provided in this section.

(Code 1977, § 3.16(b))

**Sec. 26-33. Functions.**

The village emergency services and disaster agency shall perform such emergency services

\*State law reference—ESDA Act, 20 ILCS 3305/1 et seq.

and disaster agency functions within the village as shall be prescribed in and by the state emergency services and disaster agency plan and program prepared by the governor, and such orders, rules and regulations as may be promulgated by the governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided in 20 ILCS 3305/1 et seq.

(Code 1977, § 3.16(c))

**Sec. 26-34. Service as mobile support team.**

(a) All or any members of the village emergency services and disaster agency organization may be designated as members of a mobile support team created by the state director of the emergency services and disaster agency as provided by law.

(b) The leader of such mobile support team shall be designated by the coordinator of the village emergency services and disaster agency organization.

(c) Any member of a mobile support team who is a village employee or officer while serving on call to duty by the governor, or the state director, shall receive the compensation and have the powers, duties, rights, and immunities 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.

(Code 1977, § 3.16(d))

**Sec. 26-35. Agreements with other political subdivisions.**

The coordinator of emergency services and disaster agency may negotiate mutual aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the village president and by the state director of the emergency services and disaster agency.

(Code 1977, § 3.16(e))

**Sec. 26-36. 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 the village emergency services and disaster agency to cooperate fully with the state emergency services and disaster agency and with the governor in the exercise of emergency powers as provided by law. (Code 1977, § 3.16(f))

**Sec. 26-37. Compensation.**

Members of the emergency services and disaster agency who are paid employees or officers of the village, if called for training by the state director of the emergency services and disaster agency, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members of the emergency services and disaster agency who are not village employees or officers shall receive for such training time such compensation as may be established by the village president. (Code 1977, § 3.16(g))

**Sec. 26-38. Reimbursement by state.**

The state treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the village for expenses incident to training members of the emergency services and disaster agency as prescribed by the state director of the emergency services and disaster agency, compensation for services and expenses of members of a mobile support team while serving outside the village in response to a call by the governor or state director of the emergency services and disaster agency, as provided by law, and any other reimbursement made by the state incident to emergency services and disaster agency activities as provided by law. (Code 1977, § 3.16(h))

**Sec. 26-39. Purchases and expenditures.**

(a) The village president may, on recommendation of the village coordinator of the emergency services and disaster agency, authorize any pur-

chase of 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.

(b) In the event of enemy caused or other disaster, the village coordinator of the emergency services and disaster agency 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 20 ILCS 3305/1 et seq., provided that if the village president meets at such time he shall act subject to the directions and restrictions imposed by that body. (Code 1977, § 3.16(i))

**Sec. 26-40. Oath.**

Every person appointed to serve in any capacity in the village emergency services and disaster agency organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the coordinator:

"I \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Gurnee 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."  
(Code 1977, § 3.16(j))

**Sec. 26-41. Use of office.**

The village president is authorized to designate space in a village building, or elsewhere, as may be provided for by the village president for the village emergency services and disaster agency as its office.  
(Code 1977, § 3.16(k))

**Sec. 26-42. Appropriation, levy of taxes.**

The village board may make an appropriation for emergency services and disaster agency purposes in the manner provided by law, and may levy in addition for emergency services and disaster agency purposes only, a tax not to exceed \$0.05 per \$100.00 of the assessed value of all taxable property in addition to all other taxes, as provided by 20 ILCS 3305/1 et seq.; however, that amount collectable under such levy shall in no event exceed \$0.25 cents per capita.  
(Code 1977, § 3.16(l))



Chapters 27—29

**RESERVED**





## Chapter 30

### **EMERGENCY SERVICES\***

#### **Article I. In General**

Secs. 30-1—30-30. Reserved.

#### **Article II. Burglar and Fire Alarm Systems**

- Sec. 30-31. Short title.
- Sec. 30-32. Purpose and definitions.
- Sec. 30-33. License required.
- Sec. 30-34. Penalties for violation.
- Sec. 30-35. Application for license/user permit.
- Sec. 30-36. Automatic dialing service/interconnection to primary trunkline.
- Sec. 30-37. Testing equipment.
- Sec. 30-38. Applicability of article.
- Sec. 30-39. Differentiation of burglar and hold up alarms mandatory.
- Sec. 30-40. Backup power system.
- Sec. 30-41. Local alarm for burglar and/or hold up alarm.
- Sec. 30-42. False alarms prohibited.
- Sec. 30-43. Alarm system deactivation requirement.
- Sec. 30-44. Charges for responses to false alarms and reports.
- Sec. 30-45. Suspension or revocation of alarm system license.
- Sec. 30-46. Determining factors for suspension/revocation.
- Sec. 30-47. Appeal procedure.
- Sec. 30-48. Transfer of alarm permit/license prohibited.

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\*Cross references—Businesses, ch. 22; civil emergencies, ch. 26; fire prevention and protection, ch. 34; law enforcement, ch. 42.



## ARTICLE I. IN GENERAL

**Secs. 30-1—30-30. Reserved.**

## ARTICLE II. BURGLAR AND FIRE ALARM SYSTEMS

**Sec. 30-31. Short title.**

This article shall be known, and may be cited as, the security alarm service ordinance, regulating burglar, hold up, panic and duress alarms, and other security alarm systems and users. (Code 1977, § 3.21(A); Ord. No. 97-82, 7-7-1997)

**Sec. 30-32. Purpose and definitions.**

(a) *Purpose.* The purpose of this article is to provide minimum standards and regulations applicable to police alarm systems and alarm users.

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

*Alarm systems* means a security device installed for the purpose of alerting others to a police emergency requiring urgent attention, such as an unauthorized entry onto the premises, the commission of an unlawful act, or a fire emergency, and to which police are expected to respond. Fire alarm systems, industrial or supervisory alarm systems monitoring temperature, humidity or any other condition not directly related to police functions are excluded from the provisions of this article.

*Alarm user* means any person on whose premises an alarm system is maintained within the village except for alarm systems on motor vehicles or proprietary systems. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises, other than a proprietary system, the person using such system is an alarm user. Proprietary systems, self-contained systems alerting on premises only, are also exempted by this article.

*Annunciator* means the instrumentation of an alarm console at the receiving terminal of a signal line which through both visual and audible signals shows when an alarm device at a particular location has been activated, or indicating line trouble.

*Answering service* means a telephone service providing among its services, the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the communication center of the police department.

*Automatic telephone/dialing alarm* means a telephone device or attachment which automatically relays a taped or prerecorded message to report a robbery, burglary or fire emergency by means of a regular or 911 emergency telephone line (primary trunk line) which terminates upon a central switchboard.

*Burglar alarm* (also known as intrusion alarm) means and designates an attempted or successful but unlawful entry onto or into a premises, activating such alarm.

*Central station* means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits, and guards are maintained continuously to investigate signals.

*Central station system* means a system in which the operation of electrical protection circuits and devices are signaled automatically to, recorded in, maintained, and supervised from a central station having trained operators and guards in attendance at all times.

*Direct connect* means an alarm system which has the capability to transmit and receive system signals to and from an agency maintained by the local government, such as a police communications center.

*Duress alarm* means a special coded alarm used during the forced shut down of an alarm system by coercion, such code being entered to alert the central station that there is a police emergency in spite of a normal shut down.

*False alarms* means an alarm system activated by all causes not related to an actual or attempted unauthorized entry on the premises, the commission of an unlawful act or a fire emergency, provided, however, that any alarm activated by natural causes including, but not limited to, tornadoes, and severe windstorms, or by malicious acts of persons not under the direction or control of the licensee of an alarm system or any other cause clearly beyond the control of the licensee shall not be considered a false alarm.

*Local alarm system* means a signaling system which when activated, causes an audible and or visual signal device to be activated in or on or about the premises within which the system is installed. Also for purposes of this article, it refers to that type of alarm system that is designed to alert persons at the premises of an intrusion. This system may also include audible inside or outside ringers, bells or sirens with or without accompanying lights, and can be heard by persons inside or outside the premises to include the general public.

*Panic or hold up alarm* means an alarm that is tripped by personnel present at the location of the alarm designating a police emergency requiring urgent attention due to robbery, assault or some other unlawful act.

*Primary trunk line* means a telephone line leading directly into a communications center of the police department that is for the purpose of handling emergency and nonemergency calls on a person to person basis, to include 911 emergency lines or regular published nonemergency lines covering the service area within the police/fire department jurisdiction.

*Proprietary system* means an alarm system sounding and/or recording alarm signals at a control center located within the protected premises, and the control center being under the supervision of the proprietor of the premises. If the proprietary system includes a signal alarm connected directly or by means of an automatic dialing device to a police communications center, a central station, modified central station, or an answering service, it thereby becomes an alarm system as defined in this article.

*Special trunk line* means a telephone line leading into the communications center of the police department and having the primary purpose of handling the emergency signals or messages originating either directly or through a central location from automatic dialing devices.

*Subscriber* means a person who buys, leases, or otherwise obtains an alarm signaling system and thereafter contracts with or hires an alarm business to monitor or service the alarm. (Code 1977, § 3.21(B); Ord. No. 97-82, 7-7-1997; Ord. No. 2016-66, § I, 9-12-2016)

**Cross reference**—Definitions generally, § 1-2.

### **Sec. 30-33. License required.**

It shall be unlawful for any person, firm or corporation to install or maintain any direct connect alarm system as defined in subsection 30-32(b), designed or intended to be used for an unauthorized entry on the premises, the commission of an unlawful act or any other emergency at the premises when such alarm system is located without first having obtained a license from the village.

(Code 1977, § 3.21(C); Ord. No. 97-82, 7-7-1997; Ord. No. 2016-66, § I, 9-12-2016)

### **Sec. 30-34. Penalties for violation.**

(a) Any person who:

- (1) Fails to register an alarm system before using it as required by this article, or seeking compliance;
- (2) After having a permit or license revoked or suspended, and after exhausting his rights to a hearing and appeal with the hearing officer, fails to disconnect the alarm system; or
- (3) Violates any of the other provisions of this article constituting an offense; may be punished by fine as set forth in section 32-37.

(b) Each day that such violation continues after the expiration of the period allowed for compliance under the provisions of this article shall constitute a separate offense.

(Code 1977, § 3.21(D); Ord. No. 97-82, 7-7-1997; Ord. No. 2013-40, § VII, 8-19-2013; Ord. No. 2016-66, § I, 9-12-2016)

**Sec. 30-35. Application for license/user permit.**

The application for license or user permit as required in this article shall be filed at the village hall and with the chief of police or his designee. The application shall be made on forms provided by the police department and shall contain the following information:

- (1) Name and address of the applicant.
- (2) Name and address of the premises where the alarm system is located.
- (3) The names, addresses and telephone numbers of at least three persons, if a business; and two persons, if private residence, responsible for the premises where the alarm system is located and who should be contacted to deactivate the alarm system.
- (4) The name, address and telephone number of the person, firm or corporation authorized to deactivate the alarm system when no person listed in subsection (3) of this section can be reached.
- (5) The name, address and telephone number of the person, firm or corporation which installed the alarm system and of the person, firm or corporation responsible for the maintenance and repair of the alarm system.
- (6) The type of alarm system, direct connect to police department or to an outside central station or answering service etc., and whether it is for burglar, intrusion, hold up, panic, or duress alarm purposes.  
(Code 1977, § 3.21(E); Ord. No. 97-82, 7-7-1997)

**Sec. 30-36. Automatic dialing service/interconnection to primary trunkline.**

(a) No automatic dialing device such as taped message or voice activated dialers shall be interconnected to a primary trunkline or 911 emergency line. All automatic dialing devices interconnected to a primary trunkline shall be disconnected from such primary trunkline. Such automatic telephone alarms shall be considered

a nuisance and are prohibited. Such mechanisms shall be replaced at the user's expense and replaced with an approved digital dialer or direct connect line to a special trunkline of the village police department or outside alarm service agency. Nothing in this section, however, shall apply to automatic telephone alarms for handicapped persons authorized by the chief of police. A written request for an automatic telephone alarm for a handicapped person will be reviewed by the chief of police or his designee prior to approval.

(b) Automatic dialing devices designed to transmit signals directly to the police department may be interconnected to a special trunkline or direct connect line for alarm purposes into the police department.

(c) In the event a user's equipment fails to perform to the satisfaction of the village and after appropriate tests have been conducted, the users lead in will be disconnected upon written notice to the user.

(Code 1977, § 3.21(F); Ord. No. 97-82, 7-7-1997)

**Sec. 30-37. Testing equipment.**

No alarm system designed to transmit emergency messages directly to the police department shall be tested or demonstrated without first obtaining permission from the police chief or his designee. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department unless the messages are to be relayed to the police department.

(Code 1977, § 3.21(G); Ord. No. 97-82, 7-7-1997)

**Sec. 30-38. Applicability of article.**

(a) The licensing or permitting provisions of this article shall apply to all subscribers or persons installing unauthorized entry on the premises (burglar) alarm systems using direct connect lines to the police communications center except municipal, county and state agencies exempted by the village board. The provisions of section 30-44 shall apply to all burglar alarms whether direct connect or monitored by an alarm service company.

(b) The alarm subscriber approved for a direct connect to the police communications center shall be responsible for obtaining the leased telephone line between the subscribers premises and the alarm receiving equipment. (Code 1977, § 3.21(H); Ord. No. 97-82, 7-7-1997; Ord. No. 2016-66, § I, 9-12-2016)

**Sec. 30-39. Differentiation of burglar and hold up alarms mandatory.**

No alarm subscribers shall install or use an existing alarm system, after appropriate notice has been given, that does not differentiate the alarm signal sent to the central receiving station (be it a direct connect to the village police department annunciator panel or another outside answering service) particularizing intrusion or burglar alarms versus hold up, panic or duress alarms. The subscriber shall have installed, at his expense, the appropriate device(s) or phone line system for separation of these types of signals at their location that then therefore isolate the particular signal at the receiving station annunciator panel. For those entities using reverse polarity type lines, two such lines shall be maintained to separate burglary or intrusion alarms from hold up, panic, and duress alarms, commonly set off by intent through working personnel on the premises as opposed to inadvertent trip of the security alarm system by persons engaged in unlawful entry attempts. For entities with fiber optic or digital lines, they shall ensure that separate position codes are programmed by their alarm installer to either the village police station annunciator panel or to their own contracted alarm service agency, so that these signals are differentiated. For multipurpose alarm businesses or private residences, it shall be unlawful to use an alarm signal that only utilizes one board position signaling true alarm status, trouble, or secure only, and not differentiating between situational signals. Upon written notice by the chief of police the subscriber shall have 90 days to comply with this section. Failure to do so will result in a taken out of service status on the police annunciator panel or official notice to the

alarm subscriber and his contracted alarm company that alarm service calls will not be accepted until the system is corrected. (Code 1977, § 3.21(I); Ord. No. 97-82, 7-7-1997)

**Sec. 30-40. Backup power system.**

Each alarm user in the village shall provide a source of power (battery backup system) for his alarm system to prevent false alarms due to power failures from the utility company. Such alternate sources of power shall provide power for a minimum of 24 hours. (Code 1977, § 3.21(J); Ord. No. 97-82, 7-7-1997)

**Sec. 30-41. Local alarm for burglar and/or hold up alarm.**

The use of an outside ringer is hereby declared a public nuisance and unlawful in the village. No person or business entity shall use a signaling system which when activated causes an audible and or visual signaling device to be activated outside the premises within which the system is installed that causes such signal to be heard by the general public outside the business or residence premises. This section does not apply to a local alarm system that mainly activates signals inside the premises. Specifically precluded from use are outside ringers such as audible bells, audible burglar alarms, police or fire sirens alone or in combination with visible burglar alarm signals using flashing or rotating lights of any color, red, blue or amber. (Code 1977, § 3.21(K); Ord. No. 97-82, 7-7-1997)

**Sec. 30-42. False alarms prohibited.**

It shall be unlawful for any person to knowingly, recklessly, or negligently cause the activation of an alarm system used for the purpose of summoning police unless such person knows or suspects that there is an actual or attempted unauthorized entry on the premises, commission of an unlawful act or fire emergency. For purposes of this article actions of an agent of the principal shall be binding on the principal. (Code 1977, § 3.21(L); Ord. No. 97-82, 7-7-1997)



**Sec. 30-43. Alarm system deactivation requirement.**

(a) It shall be a mandatory duty that a keyholder respond to every alarm activated, within one hour, where the police responding summon a representative of the entity to help investigate cause. Failure of keyholders to respond to alarm situations at the request of the on scene police officers to deactivate the alarm shall be reported to the chief of police. More than 12 instances in a calendar year recorded of a failure of such response shall be cause for taking the particular alarm subscriber's system out of service. After eight such failures to respond, a warning letter shall be issued advising the proprietor of this section, and that continued absence of a keyholder could lead to suspension of police services for that entity's alarm system.

(b) The person, firm or corporation having an alarm system shall be required to post or cause to be posted, at or near the location where such alarm systems can be deactivated, a notice containing the name, address and telephone number of the person, firm, or corporation responsible for the maintenance and repair of such alarm system.

(Code 1977, § 3.21(M); Ord. No. 97-82, 7-7-1997)

**Sec. 30-44. Charges for responses to false alarms and reports.**

(a) If the village police department responds to more than three false alarm reports during a calendar quarter ("Calendar quarter" means a period of three consecutive calendar months, ending with the last day of March, June, September or December) at the same premises, the subscriber of such alarm system shall pay the village a fine as set forth in section 32-37 within 30 days after the bill or notice is mailed. Records will be monitored quarterly and followed by billing for the calendar quarter.

(b) Within 30 days after the end of a calendar quarter, the police department will cause a summary report of all false alarms and the noted cause to be sent to the alarm subscriber, along with a bill for any fines due and owing.

(c) Within ten days after the date of mailing of the above bill and report, the alarm subscriber may file a written request with the chief of police or his/her designee requesting reconsideration of disputed assessments. Such written request shall state the subscriber's opinion with respect to the cause of, any disputed false alarms and shall indicate the facts upon which the subscriber bases his/her opinion.

(d) Within ten days after the subscriber's request for reconsideration has been reviewed, the chief of police or his/her designee shall determine whether the alarm was false or not and notify the subscriber of his/her decision in writing, affirming or modifying the bill and assessments.

(e) There shall be a 60-day grace period for a new installation when there have been major construction changes to the-subscriber's premises, before an alarm will be considered a false alarm. (Code 1977, § 3.21(N); Ord. No. 97-82, 7-7-1997; Ord. No. 2013-40, § VII, 8-19-2013; Ord. No. 2016-66, § I, 9-12-2016)

**Sec. 30-45. Suspension or revocation of alarm system license.**

(a) If the police department responds to more than 15 false alarms at the same premises in a calendar year at a location licensed as required by section 30-33, the chief of police may initiate an alarm system license suspension or revocation proceeding by forwarding a written request for such proceeding, along with any and all false alarm reports, to the administrative hearing officer. The administrative hearing officer shall act in accordance with provisions specified in division 10, section 2-300 through 2-315.

(b) Suspension/revocation proceedings shall also proceed for failure to pay fines assessed for false alarms if the subscriber fails to pay all bills within 30 days after the close of the calendar year. Accounts with unpaid balances will be charged a late payment fee. Late fees consist of one percent of the unpaid balance applied to each quarterly bill. This fee will be applied monthly until the balance is paid in full.



(c) When false alarms repeatedly sound at a single location during a 24-hour period creating an undue burden upon the resources of the fire or police departments, the departments shall be authorized to summarily disconnect the alarm or take it out of service from the police communications center. The bureau deputy chief or designee in charge of the police communications center will immediately contact the alarm subscriber experiencing this problem by phone or in person and explain this out of service necessity. It is the burden of the alarm subscriber/licensee to file a written report with the police department as soon as possible thereafter explaining the cause of the repeated alarms and stating that the condition has been rectified. The particular alarm subscribers alarm will remain out of service until this report is given in writing to the police department. For problems such as this, the false alarm fee can be waived by the chief of police in lieu of an extenuating problem that required immediate repair.

(d) Upon receipt of a request from the chief of police, the hearing officer shall set a date for a hearing to consider whether a subscribers alarm system license if so licensed under this act) should be suspended or revoked. The administrative hearing officer shall act in accordance with provisions specified in division 10, section 2-300 through 2-315.  
(Code 1977, § 3.21(O); Ord. No. 97-82, 7-7-1997; Ord. No. 2016-66, § I, 9-12-2016)

**Sec. 30-46. Determining factors for suspension/revocation.**

In determining whether to suspend or revoke an alarm system license, the hearing officer shall consider the following:

- (1) The number of false alarms at the premises.
- (2) Whether the alarm system licensee has responded to deactivate false alarms within one hour as required previously.
- (3) The efforts made, if any, by licensee to control, direct and instruct employees with regard to the proper use of the alarm system.

- (4) The efforts made, if any, by the licensee to repair and maintain the alarm system in proper working order.
  - (5) Any other matter the hearing officer deems relevant.
- (Code 1977, § 3.21(P); Ord. No. 97-82, 7-7-1997; Ord. No. 2016-66, § I, 9-12-2016)

**Sec. 30-47. Appeal procedure.**

Any party to an administrative hearing may appeal the order of the administrative hearing officer to the circuit court of the county within 35 days of the entry of the order as authorized by division 10, section 2-315.  
(Code 1977, § 3.21(Q); Ord. No. 97-82, 7-7-1997; Ord. No. 2016-66, § I, 9-12-2016 )

**Sec. 30-48. Transfer of alarm permit/license prohibited.**

No alarm system license shall be transferred or assigned to another person, corporation or firm. Each transfer of property through sale of premises, lease or change of business ownership shall be accompanied by a new permit or license for their alarm system. It shall be unlawful for any alarm system licensee to fail or refuse to amend its alarm system application within ten days after any of the information required and contained in the application is or becomes outdated or inaccurate.  
(Code 1977, § 3.21(R); Ord. No. 97-82, 7-7-1997)

Chapter 31

**RESERVED**



Chapter 32

**COMPREHENSIVE FEE SCHEDULE**

**Article I. In General**

- Sec. 32-1. Purpose.
- Secs. 32-2—32-30. Reserved.

**Article II. Comprehensive Fee Schedule**

- Sec. 32-31. Administrative fees.
- Sec. 32-32. Business license fees.
- Sec. 32-33. Reserved.
- Sec. 32-34. Engineering fees.
- Sec. 32-35. Fire department fees.
- Sec. 32-36. Planning and zoning fees.
- Sec. 32-37. Police department fees.
- Sec. 32-38. Utility fees.

**Article III. Cost Recovery Fee and Escrow Account**

- Sec. 32-39. Purpose.
- Sec. 32-40. Cost recovery fee.
- Sec. 32-41. Establishment of escrow account.



**ARTICLE I. IN GENERAL**

**Secs. 32-2—32-30. Reserved.**

**Sec. 32-1. Purpose.**

The purpose of this chapter is to include all village fees and fines in one chapter for ease of application and understanding by the public. (Ord. No. 2012-93, § I, 12-17-2012; Ord. No. 2013-40, § XVII, 8-19-2013)

**ARTICLE II. COMPREHENSIVE FEE SCHEDULE**

**Sec. 32-31. Administrative fees.**

<i>Category</i>	<i>Fine</i>	<i>Code Reference</i>
General Penalty for Violation of Code:		
General Fine	Not to exceed \$750.00 per violation per day	Section 1-11

(Ord. No. 2012-93, § I, 12-17-2012; Ord. No. 2013-40, § XVII, 8-19-2013)

**Sec. 32-32. Business license fees.**

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
<b>Liquor License Application Fee:</b>		
Liquor License Application Fee	\$275.00	Section 6-52(4)
<b>Annual Liquor License Fees:</b>		
Class 1	\$2,000.00	Section 6-55(1)
Class 2	\$2,250.00	Section 6-55(2)
Class 3	\$2,000.00	Section 6-55(3)
Class 4	\$2,000.00	Section 6-55(4)
Class 5	\$700.00	Section 6-55(5)
Class 6	\$700.00	Section 6-55(6)
Class 7	\$1,200.00	Section 6-55(7)
Class 8	\$2,250.00	Section 6-55(8)
Class 9	\$25.00 per day	Section 6-55(9)
Class 10	\$1,500.00	Section 6-55(10)
Class 11	\$3,000.00	Section 6-55(11)
Class 12	\$250.00	Section 6-55(12)
Class 13	\$500.00	Section 6-55(13)
Class 14	\$2,000.00	Section 6-55(14)
Liquor License Violations	Not less than \$150.00 and not greater than \$750.00 per offense	Section 6-7(m)
<b>Annual Amusement License Fees:</b>		
Automatic Amusement Machines (Permitted Accessory Use)	\$100.00 plus \$50.00 per automatic amusement machine	Section 10-57(d)
Automatic Amusement Machines (Special Accessory Use)	\$200.00 plus \$50.00 per automatic amusement machine	Section 10-57(e)

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
Automatic Amusement Machines (Special Use)	\$500.00 plus \$50.00 per automatic amusement machine	Section 10-57(f)
<b>Annual General Business License Fees:</b>		
0—999 Square Feet	\$150.00	Section 22-7
10,000—19,999 Square Feet	\$300.00	Section 22-7
Greater than 20,000 Square Feet	\$600.00	Section 22-7
Non-For-Profit License	No fee (exempt)	Section 22-4
For businesses starting operations after July 1st	50 percent discount of annual fee	Section 22-7
Temporary Business License	\$50.00	Section 22-11
<b>Other Annual Business Licenses Fees:</b>		
Bath or Massage Establishment	\$1,000.00 per establishment	Section 22-132
Auxiliary Massage Establishment	\$200.00 per establishment	Section 22-132
Masseur or Masseuse License	\$50.00 per individual	Section 22-132
Food Truck Establishment	\$10.00 per vehicle	Section 22-72
Junk Shop or Yard Establishment	\$100.00	Section 58-37
Scavenger License	\$1,500.00	Section 62-5
<b>Solicitation Fees:</b>		
Commercial Solicitation (Initial)	\$10.00	Section 50-60(a)(1)
Commercial Solicitation (Renewal)	\$5.00	Section 50-60(a)(2)
Charitable Solicitation	No fee (Exempt)	Section 50-60(b)
Hawker or Peddler	\$100.00 per cart per year, \$25.00 per cart per month or \$10.00 per cart per day	Section 50-60(c)
Transient Merchant and Itinerant Vendor Surety Bond	An amount equal to 50 percent of the wholesale value of the merchandise but no less than \$1,000.00 and no more than \$10,000.00	Section 50-59
Violations	No less than \$50.00 and no more than \$1,000.00 per offense	Section 50-63
<b>Annual Public Passenger Vehicle Company License:</b>		
Company Operating Less Than 10 Vehicles	\$300.00	Section 90-33
Company Operating 10 or More Vehicles	\$500.00	Section 90-33
<b>Public Passenger Vehicle Chauffeur's License:</b>		
Application fee (non-refundable)	\$20.00	Section 90-33
License fee (annual)	\$20.00	Section 90-33



<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
Public Passenger Vehicle License (annual)	\$50.00	Section 90-33

(Ord. No. 2012-93, § I, 12-17-2012; Ord. No. 2013-40, § XVII, 8-19-2013; Ord. No. 2015-82, § III, 12-7-2015)

**Sec. 32-33. Reserved.**

**Editor’s note**—Ord. No. 2012-93, § I, adopted December 17, 2012, created § 32-33, building and development fees, but did not set out provisions for use herein. At the editor's discretion § 32-33 has been included as set out herein.

**Sec. 32-34. Engineering fees.**

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
<b>Plat Recording:</b>		
1 Acre or less.	\$350.00	Section 70-92
Over 1 acre, but not exceeding 5	\$400.00	Section 70-92
Over 5 acres, but not exceeding 10	\$425.00	Section 70-92
Over 10 acres, but not exceeding 20	\$475.00	Section 70-92
Over 20 acres	\$575.00	Section 70-92
Annexation Plat	\$375.00	Section 70-92
Court House Recording and Return of Copy to Developer	Cost	Section 70-92
<b>Public Improvements and Inspection Fees:</b>		
Minimum Plan/Development Review Fee	\$100.00 and a fee of 0.5 percent for public improvements exceeding \$20,000.00	Section 70-378
Construction Inspection \$1.00 to \$500,000.00	3.00 percent of total cost of public improvements	Section 70-378
Construction Inspection \$500,001.00 to \$1,000,000.00	2.5 percent of total cost of public improvements	Section 70-378
Construction Inspection over \$1,000,000.00	2.0 percent of total cost of public improvements	Section 70-378
Fee in Lieu of Detention	\$50,000.00 per acre foot	Section 70-476
<b>Violations and Penalties:</b>		
Subdivision Ordinance Violation	Not less than \$500.00 and not more than \$1,000.00	Section 70-91
Fertilizer Violation	Not more than \$750.00	Section 86-44

(Ord. No. 2012-93, § I, 12-17-2012; Ord. No. 2013-40, § XVII, 8-19-2013)

**Sec. 32-35. Fire department fees.**

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
<b>Fire Inspection Fees:</b>		
General Plan Review	\$0.0125 per square foot, minimum of \$37.50	Section 34-33

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
<b>Certificate Of Occupancy Fees:</b>		
Commercial and Industrial	\$62.50	Section 34-33
Multi-Family (per living unit)	\$31.25	Section 34-33
Tents	\$62.50	Section 34-33
Walls and Partitions	\$62.50	Section 34-33
Sales and Construction Trailers	\$62.50	Section 34-33
Wall Demolition	\$62.50	Section 34-33
Move In (No Work)	\$62.50	Section 34-33
Name Change	\$62.50	Section 34-33
Paint Spray Booth	\$62.50	Section 34-33
<b>Other Inspection Fees:</b>		
Automatic Sprinkler System	\$0.0125 per square foot, minimum of \$31.25	Section 34-33
Fire Alarm System	\$0.0125 per square foot, minimum of \$31.25	Section 34-33
Kitchen Hood, Duct & Extinguisher Systems	\$31.25 per system	Section 34-33
Underground & Above Ground Storage Tanks	\$62.50	Section 34-33
Special Inspections	\$125.00	Section 34-33
First and Second Inspections	No Fee	Section 34-33
Third Inspection	\$50.00	Section 34-33
Fourth and Subsequent Inspections	\$75.00	Section 34-33
<b>Administrative Citation Fees:</b>		
Blocking Approved and Posted Fire Lanes	\$20.00	Section 34-33
Fireworks Seizure Fee	Not Less \$50.00 or More Than \$1,000.00	Section 34-125
All Other Administrative Citations	\$25.00	Section 34-33

(Ord. No. 2012-93, § I, 12-17-2012; Ord. No. 2013-40, § XVII, 8-19-2013)

**Sec. 32-36. Planning and zoning fees.**

<i>Fee Category</i>	<i>2016 Base Fee</i>	<i>Plus Additional Fee</i>
<b>Administrative Exception</b>	\$115.00	
<b>Annexation:</b>		
Annexation Agreement	\$1,745.00	
Amendment to Annexation Agreement	\$1,165.00	
Annexation (without agreement)	\$105.00	
<b>Map Amendment (rezoning):</b>		
< 2 acres	\$580.00	
≥ 2 < 10 acres	\$875.00	\$30.00 per acre over 2 acres
≥ 10 < 25 acres	\$1,165.00	\$30.00 per acre over 10 acres
≥ 25 < 50 acres	\$1,745.00	\$30.00 per acre over 25 acres

<i>Fee Category</i>	<i>2016 Base Fee</i>	<i>Plus Additional Fee</i>
≥ 50 acres	\$2,910.00	\$30.00 per acres over 50 acres
<b>Minor Sign Exception</b>	\$50.00	
<b>Planned Unit Development (PUD) —</b>		
<b>Preliminary Plan:</b>		
< 2 acres	\$875.00	
≥ 2 < 5 acres	\$1,165.00	
≥ 5 < ten acres	\$1,455.00	
≥ 10 < 25 acres	\$1,745.00	\$30.00 per acre over 10 acres
≥ 25 < 50 acres	\$2,330.00	\$30.00 per acre over 25 acres
≥ 50 < 100 acres	\$2,910.00	\$30.00 per acre over 50 acres
≥ 100 acres	\$5,820.00	\$30.00 per acre over 100 acres
<b>PUD — Final Plan</b>	50% of Preliminary Plan Fee (using acreage of Final Plan application)	
<b>PUD — Modification:</b>		
Administrative Modification	\$290.00	
Minor	\$580.00	
Major	Same as Initial Preliminary Plan Application Fee	
<b>Site Plan Review</b>	\$150.00	
<b>Site Plan Review Modification</b>	\$50.00	
<b>Special Use Permit</b>	\$865.00	\$580.00 per additional request
<b>Special Use Permit — Minor Modification</b>	\$290.00	
<b>Special Use Permit — Administrative Modification</b>	\$145.00	
<b>Special Use Permit — Major Modification</b>	Same as Initial Special Use Application Fee	
<b>Tree Permit</b>		
All lots except R-1 through R-4	\$50.00	
<b>Text Amendment</b>	\$580.00	
<b>Zoning Interpretation</b>	\$105.00	
<b>Variation:</b>		
Residential (R-1, R-2, R-3 zoned lots)	\$235.00	
All other zoned lots	\$1,155.00	
<b>Zoning Appeal</b>	\$580.00	
<b>Zoning Confirmation Letter</b>	\$105.00	
<b>Zoning Plan Review Fee (for non-residential building &amp; occupancy permits):</b>		
Certificate of Occupancy (move-in only)	\$25.00	
Non-New Building Space	\$105.00	\$80.00 per subsequent review
New Building Space:		
0 — 9,999 (Sq. Ft.)	\$105.00	\$80.00 per subsequent review
10,000 — 49,999 (Sq. Ft.)	\$210.00	\$80.00 per subsequent review
≥ 50,000 (Sq. Ft.)	\$310.00	\$80.00 per subsequent review

(Ord. No. 2012-93, § I, 12-17-2012; Ord. No. 2012-94, § I, 12-17-2012; Ord. No. 2014-1, § I, 1-6-2014; Ord. No. 2015-03, § I, 1-26-2015; Ord. No. 2015-79, § I, 12-7-2015; Ord. No. 2016-83, § I, 12-19-2016)

**Sec. 32-37. Police department fees.**

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
<b>Administrative Hearing Fees:</b>		

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
General Penalty for Ordinance Violations	Not to exceed \$750.00 per violation per day	Section 2-303(b)(10)
Violation of Orders/Contempt	Not to exceed \$250.00 per violation per day	Section 2-309(c)
<b>Dangerous Dog Fees:</b>		
Annual Dangerous Dog License Fee	\$250.00	Section 14-38
Ordinance Violation Fees	Not less than \$25.00 and not greater than \$1,000.00	Section 14-44
<b>Other Violation Fees:</b>		
Burglar and Fire Alarm System Ordinance Violations	Not less than \$50.00 and not greater than \$750.00	Section 30-34
<b>False Alarm Fees:</b>		
First and Second Offense	\$0.00	Section 30-44
Third Offense	\$10.00	Section 30-44
Fourth Offense	\$20.00	Section 30-44
Fifth Offense	\$50.00	Section 30-44
Sixth Offense	\$60.00	Section 30-44
Seventh through Ninth Offense	\$75.00	Section 30-44
Tenth and Subsequent Offenses	\$100.00	Section 30-44
<b>Parking Violation Fees:</b>		
Violations Paid Within 30 Days of Issuance (First Notice)	Not less than \$5.00 and not greater than \$750.00	Section 78-107(a)
Violations Not Paid and No Court Date Requested Between 30 and 60 Days (Second Notice)	Not less than \$15.00 and not greater than \$750.00	Section 78-107(b)(1)
Violations Not Paid and No Court Date Requested After 60 Days (Final Notice)	Not less than \$35.00 and not greater than \$750.00	Section 78-107(b)(2)
<b>Other Traffic Violations Fees:</b>		
DUI Administrative Fee	\$750.00 plus any applicable towing and storage fees	Section 78-41(a)(1)
Driving with Suspended or Revoked License (DUI Conviction) Administrative Fee	\$750.00 plus any applicable towing and storage fees	Section 78-41(a)(2)
Driving With Suspended or Revoked License (Repeated Offender) Administrative Fee	\$500.00 plus any applicable towing and storage fees	Section 78-41(a)(3) and (4)
Red Light Camera Violations	\$100.00 per citation	Section 78-151
Red Light Camera Violation Late Notice	\$100.00	Section 78-154

(Ord. No. 2012-93, § I, 12-17-2012; Ord. No. 2013-40, § XVII, 8-19-2013)

**Sec. 32-38. Utility fees.**

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
<b>Water and Sewer (Usage) Rates:</b>		
Water Rates Per 1,000 Gallons	\$4.59 (effective 5/1/16) \$4.73 (effective 5/1/17) \$4.87 (effective 5/1/18) \$5.01 (effective 5/1/19) \$5.16 (effective 5/1/20)	Section 82-112
Sewer Rates Per 1,000 Gallons	\$1.43 (effective 5/1/16) \$1.47 (effective 5/1/17) \$1.52 (effective 5/1/18) \$1.56 (effective 5/1/19) \$1.61 (effective 5/1/20)	Section 82-256
<b>Water Service Charge Fees Per 60 Days of Service (bimonthly charge):</b>		
Water Service Charge Fee (Up to 1" Meter)	\$9.92 (effective 5/1/16) \$10.22 (effective 5/1/17) \$10.52 (effective 5/1/18) \$10.84 (effective 5/1/19) \$11.16 (effective 5/1/20)	Section 82-112
Water Service Charge Fee (1 ½" Meter)	\$19.84 (effective 5/1/16) \$20.43 (effective 5/1/17) \$21.05 (effective 5/1/18) \$21.68 (effective 5/1/19) \$22.33 (effective 5/1/20)	Section 82-112
Water Service Charge Fee (2" Meter)	\$31.93 (effective 5/1/16) \$32.89 (effective 5/1/17) \$33.87 (effective 5/1/18) \$34.89 (effective 5/1/19) \$35.94 (effective 5/1/20)	Section 82-112
Water Service Charge Fee (3" Meter)	\$63.86 (effective 5/1/16) \$65.78 (effective 5/1/17) \$67.75 (effective 5/1/18) \$69.78 (effective 5/1/19) \$71.87 (effective 5/1/20)	Section 82-112
Water Service Charge Fee (4" Meter)	\$98.88 (effective 5/1/16) \$101.85 (effective 5/1/17) \$104.90 (effective 5/1/18) \$108.05 (effective 5/1/19) \$111.29 (effective 5/1/20)	Section 82-112
Water Service Charge Fee (6" Meter)	\$198.79 (effective 5/1/16) \$204.75 (effective 5/1/17) \$210.90 (effective 5/1/18) \$217.22 (effective 5/1/19) \$223.74 (effective 5/1/20)	Section 82-112

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
<b>Sewer Service Charge Fees Per 60 Days Of Service (bimonthly charge):</b>		
Sewer Service Charge Fee (Up to 1" Meter)	\$3.31 (effective 5/1/16) \$3.41 (effective 5/1/17) \$3.51 (effective 5/1/18) \$3.61 (effective 5/1/19) \$3.72 (effective 5/1/20)	Section 82-256
Sewer Service Charge Fee (1 ½" Meter)	\$6.61 (effective 5/1/16) \$6.81 (effective 5/1/17) \$7.02 (effective 5/1/18) \$7.23 (effective 5/1/19) \$7.44 (effective 5/1/20)	Section 82-256
Sewer Service Charge Fee (2" Meter)	\$10.58 (effective 5/1/16) \$10.90 (effective 5/1/17) \$11.22 (effective 5/1/18) \$11.56 (effective 5/1/19) \$11.91 (effective 5/1/20)	Section 82-256
Sewer Service Charge Fee (3" Meter)	\$21.63 (effective 5/1/16) \$22.28 (effective 5/1/17) \$22.95 (effective 5/1/18) \$23.64 (effective 5/1/19) \$24.34 (effective 5/1/20)	Section 82-256
Sewer Service Charge Fee (4" Meter)	\$32.96 (effective 5/1/16) \$33.95 (effective 5/1/17) \$34.97 (effective 5/1/18) \$36.02 (effective 5/1/19) \$37.10 (effective 5/1/20)	Section 82-256
Sewer Service Charge Fee (6" Meter)	\$65.92 (effective 5/1/16) \$67.90 (effective 5/1/17) \$69.93 (effective 5/1/18) \$72.03 (effective 5/1/19) \$74.19 (effective 5/1/20)	Section 82-256
<b>Water Service Connection Fees:</b>		
Single Family Residence	\$1,600.00 per unit	Section 82-91
Two Family Residence	\$1,600.00 per unit	Section 82-91
Multi-Family Residence	\$600.00 (1 Bedroom), \$1,200.00 (2 Bedroom), \$1,600.00 (3 Bedroom)	Section 82-91
Motels	\$600.00 per unit but no less than \$2,400.00	Section 82-91
Restaurants	\$100.00 per seat but no less than \$2,400.00	Section 82-91
All Other Commercial Units	\$0.24 per square foot but no less than \$2,400.00	Section 82-91
Industrial Units	\$400.00 per population equivalent but no less than \$2,400.00	Section 82-91

<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
Landscape Irrigation/Sprinkler Systems over 500 gallons per hour	\$5,000.00 per 1,000 gallons per hour	Section 82-91
Frontage Fee	\$48.00 per front foot	Section 82-91
Water Connection Permit	\$50.00 (initial inspections), \$25.00 (subsequent inspections)	Section 82-91
<b>Sewer Service Connection Fees:</b>		
Single Family Residence	\$1,200.00 per unit	Section 82-173
Two Family Residence	\$1,200.00 per unit	Section 82-173
Multi-Family Residence	\$450.00 (1 Bedroom), \$900.00 (2 Bedroom), \$1200.00 (3 Bedroom)	Section 82-173
Motels	\$450.00 per unit but no less than \$1,800.00	Section 82-173
Restaurants	\$75.00 per seat but no less than \$1,800.00	Section 82-173
All Other Commercial Units	\$0.18 per square foot but not less than \$1,800.00	Section 82-173
Industrial	\$300.00 per Population Equivalent but no less than \$1,800.00	Section 82-173
Frontage Fee	\$51.00 per front foot	Section 82-173
Sewer Connection Permit	\$50.00 (initial inspections), \$25.00 (subsequent inspections)	Section 82-173
<b>Lake County Public Works Connection Fees (for those properties within the Lake County service area not connected to a county inceptor or trunk line):</b>		
Single Family Residences (including townhomes)	\$2,868.00 per unit	Section 82-173
Multi-Family Residence	\$2,151.00 per unit (1 Bedroom), \$2,294.00 per unit (2 Bedroom), \$2,868.00 per unit (3 Bedroom)	Section 82-173
All nonresidential customers	\$2,868.00 per Residential Equivalent (defined as 250 gallons per day)	Section 82-173
<b>Lake County Public Works Direct Line Connection Fees (for those customers connecting directly into a county interceptor or trunk line):</b>		
Single Family Residences (including townhomes)	\$3,768.00 per unit	Section 82-173
Multi-Family Residence	\$3,051.00 per unit (1 Bedroom), \$3,194.00 per unit (2 Bedroom), \$3,768.00 per unit (3 Bedroom)	Section 82-173
All nonresidential customers	\$3,768.00 per Residential Equivalent (defined as 250 gallons per day)	Section 82-173



<i>Fee Category</i>	<i>Fee</i>	<i>Code Reference</i>
<b>Charges for Special Users:</b>		
Unincorporated Users	50 percent surcharge on all usage and service charge costs excluding those due to Lake County Public Works	Sections 82-116, 82-262
Unmetered Residences	Cost of 7,000 gallons of usage per month plus service charge	Section 82-259
Unmetered Units in a Metered Multi-Unit Building	Relative portion of usage and service charge cost	Section 82-257
<b>Other Utility Fees:</b>		
Turning off Water for Nonpayment or Ordinance Violations	\$100.00 (during Public Works Department operating hours of 7:00 a.m. to 3:00 p.m. Monday through Friday), \$150.00 (outside of Public Works Department operating hours)	Section 82-68
Hydrant Rentals	\$200.00 deposit (1" meter), \$775.00 deposit (3" Meter), \$10.00 per week	Section 82-113
Hydrant Water Charge	Cost plus \$0.09 per 1000 gallons	Section 82-117
Pool Filling	\$200.00 plus cost of water	Section 82-72

(Ord. No. 2012-93, § I, 12-17-2012; Ord. No. 2013-40, § XVII, 8-19-2013; Ord. No. 2016-04, § II, 1-11-2016)

**ARTICLE III. COST RECOVERY FEE AND ESCROW ACCOUNT**

**Sec. 32-39. Purpose.**

(a) The village board is hereby empowered to impose by its rules and procedures such additional fees and charges payable to the village, necessary to defray the costs and expenses of conducting any public hearing or matter over which the planning and zoning board or the village board has jurisdiction.

(b) Each additional fee shall be payable to the order of the village to be deposited to the credit of the general corporation fund of the village. (Ord. No. 2012-93, § II, 12-17-2012)

**Sec. 32-40. Cost recovery fee.**

(a) Every petition filed and processed pursuant to this Code and/or the zoning ordinance that requires the village to incur third party costs or expenses, including without limitation legal fees incurred by the office of the village attorney or

any attorney or firm retained by the village, shall be subject to the cost recovery fee and lien provisions set forth in this section. The cost recovery fee shall be in addition to any and all other filing fees and other charges established pursuant to this Code and/or the zoning ordinance. For purposes of this section, the word "petition" shall be deemed to include and refer to any and all petitions and applications filed or processed with the village board.

(b) The owner of the property that is the subject of the petition and, if different, the petitioner, shall be jointly and severally liable for the payment of the cost recovery fee, and for the cost recovery lien. By signing the petition, the owner or petitioner shall be deemed to have agreed to pay, and to have consented to, the cost recovery fee, plus any costs of collection, that have not been paid within 30 days following the mailing of a written demand for payment to the owner or petitioner at the address set forth on the petition, including any additional cost recovery fees assessed herein. Any lien filed pursuant to

this section may be foreclosed in the manner provided for mortgages or mechanics' liens under state law.

(c) For purposes of calculating the cost recovery fee, the costs incurred by the village with respect to the following items shall be deemed to be the "actual costs" incurred by the village in processing a petition:

- (1) Court reporter;
  - (2) Professional and technical consultant services; meeting attendance, document preparation, and review;
  - (3) Village attorney, or other village related attorney or law firm, consultation, meeting attendance, document preparation, and review;
  - (4) Copy reproduction; and
  - (5) Inspection fees.
- (Ord. No. 2012-93, § II, 12-17-2012)

**Sec. 32-41. Establishment of escrow account.**

For each petition filed and processed pursuant to this Code and/or the zoning ordinance that requires the village to incur third party costs or expenses, an application fee escrow account shall be established as provided below:

- (1) *Initial deposit.* Every petition filed that requires the village to incur third party costs or expenses shall be accompanied by an initial deposit for purposes of paying additional application fees. The amount of the initial deposit shall be determined by the zoning administrator or designee, and the initial deposit and any subsequent deposit shall be placed in an application fee escrow account. No interest shall be payable on any such escrow account.
- (2) *Draws from escrow.* From the date of filing of any petition, the village shall maintain an accurate record of the actual costs of processing and reviewing the petition. The village shall, from time to time, draw funds from the escrow account established to pay costs identified in

section 18-41 and shall transfer funds to the appropriate village accounts. The village shall maintain an accurate record of all draws.

- (3) *Additional deposits.* Should the village at any time determine that the escrow account established in connection with any petition is, or is likely to become, insufficient to pay the actual costs of processing a petition, the village shall inform the applicant of that fact in writing and demand an additional deposit in an amount deemed to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the applicant, the village may direct that processing of the petition be suspended or terminated. Any termination shall be deemed a withdrawal of the petition by the applicant.
- (4) *Final settlement.* As soon as reasonably feasible following final action on a petition, the village shall cause a final accounting to be made of the escrow deposits made in connection with the petition and the actual costs of processing the petition and shall make a final charge of costs against the escrow deposit. A copy of the accounting shall be provided to the applicant. If the amount in the escrow is insufficient to pay the total actual costs, a written demand for payment of the balance due shall be mailed to the applicant. If any unused balance remains in the escrow account after paying the total actual costs, that amount shall be returned to the applicant.
- (5) *Waiver for specified public and charitable bodies.* Certain cost recovery fees may be waived pursuant to section 18-72.
- (6) *Condition of all petitioners, approvals, and permits.* No petition filed pursuant to this Code and/or the zoning ordinance shall be considered complete unless and until all fees due have been paid. Every approval granted and every permit issued pursuant to this Code and/or the zoning ordinance shall, whether or not expressly

so conditioned, be deemed to be conditioned upon payment of cost recovery fees.

- (7) *Time periods.* Where this Code and/or the zoning ordinance provides that the passage of time without decision or action shall be deemed an approval or recommendation for approval, all time periods shall be tolled during any period of nonpayment, but shall otherwise continue to run.
- (8) *Failure to pay.* The failure to fully pay cost recovery fees when due shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee relates.

(Ord. No. 2012-93, § II, 12-17-2012)

Chapter 33

**RESERVED**



## Chapter 34

### FIRE PREVENTION AND PROTECTION\*

#### Article I. In General

- Sec. 34-1. Blocking fire hydrants and fire department connections.
- Sec. 34-2. Hydrant use approval.
- Sec. 34-3. Systems; high hazard locations.
- Sec. 34-4. Maintenance of fire suppression equipment.
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- Secs. 34-6—34-30. Reserved.

#### Article II. Fire Prevention Code

- Sec. 34-31. Adoption.
- Sec. 34-32. Definitions.
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- Secs. 34-34—34-60. Reserved.

#### Article III. Fire Department

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- Sec. 34-61. Created.
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- Sec. 34-64. Regulations.
- Sec. 34-65. Establishment and duties of bureau of fire prevention.
- Sec. 34-66. Authority at fires and emergencies, interference with departmental operations, compliance with fire chief's orders, crossing fire hoses.
- Sec. 34-67. Adoption of fire control measures and regulations.
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- Sec. 34-91. Firefighter's pension fund.
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#### Article IV. Fireworks

- Sec. 34-120. Consumer fireworks defined.
- Sec. 34-121. Display fireworks defined.
- Sec. 34-122. Sparkler novelties defined.
- Sec. 34-123. Consumer and display fireworks prohibited, except for permitted public displays.
- Sec. 34-124. Sale of sparkler novelties prohibited.

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\***Cross references**—Any ordinance establishing fire lanes on private property saved from repeal, § 1-19(a)(16); buildings and building regulations, ch. 18; civil emergencies, ch. 26; emergency services, ch. 30; fire lane, fire hydrant and fire connection violations, § 78-68; hydrant charges for water service, § 82-113.

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Sec. 34-125. Penalties of seizure.  
Secs. 34-126—34-150. Reserved.

**Article V. Outdoor Fires**

Sec. 34-151. Definition.  
Sec. 34-152. Outdoor fires prohibited.  
Sec. 34-153. Exceptions; special use permits required.  
Sec. 34-154. Extinguishing outdoor fires.  
Sec. 34-155. Penalty.  
Secs. 34-156—34-180. Reserved.

**Article VI. Hazardous Emissions**

Sec. 34-181. Definitions.  
Sec. 34-182. Liability for hazardous substance incident, removal and costs.  
Sec. 34-183. Removal or abatement costs.  
Sec. 34-184. Liberal construction.  
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**Article VII. Rescue Services**

Sec. 34-200. Rescue services provided by village.  
Sec. 34-201. Fees.



## ARTICLE I. IN GENERAL

### Sec. 34-1. Blocking fire hydrants and fire department connections.

In accordance with the code adopted by section 34-31, it shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire chief shall proceed to remove such obstructions or encroachments. The cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire chief with the approval of the village administrator. The village attorney shall institute appropriate action for the recovery of such costs.  
(Code 1977, § 28.09)

### Sec. 34-2. Hydrant use approval.

A person shall not use or operate any fire hydrant intended for use of any fire department for fire suppression purposes unless such person first secures a permit for such use from the fire chief and the water and sewer department. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water and sewer department.  
(Code 1977, § 28.10)

### Sec. 34-3. Systems; high hazard locations.

All new and existing oil storage plants, lumber yards, amusement or exhibition parks, and educational or institutional complexes and similar occupancies and uses involving high fire or life hazards, and which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provided with property placed fire hydrants. Such fire hydrants shall be capable of supplying the fire flows as required by the fire chief and shall be connected to a water system in accordance with accepted engi-

neering practices. The fire chief shall designate and approve the number and location of fire hydrants. The fire chief may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the fire chief.

(Code 1977, § 28.13)

### Sec. 34-4. Maintenance of fire suppression equipment.

Fire suppression equipment shall not be obstructed, removed, tampered with or otherwise disturbed, and shall be installed and maintained, all in accordance with the code adopted in section 34-31.

(Code 1977, § 28.14)

### Sec. 34-5. Street obstructions.

No person shall erect, construct, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the village, without the written consent of the village engineer and fire chief. The word "street" as used in this section means any roadway accessible to the public for vehicular traffic, including, but not limited to private streets or access lanes, as well as all public streets and highways.

(Code 1977, § 28.16)

**Cross reference**—Streets, sidewalks and other public places, ch. 66.

### Secs. 34-6—34-30. Reserved.

## ARTICLE II. FIRE PREVENTION CODE\*

### Sec. 34-31. Adoption.

The regulations, conditions, definitions, regulations, and stipulations concerning the construc-

**\*Editor's note**—Ord. No. 2012-35, § I, adopted April 16, 2012, amended article II in its entirety and enacted new provisions to read as herein set out. Former article II pertained to similar subject matter and derived from Ord. No. 2005-25, § I, adopted April 18, 2005; Ord. No. 2006-20, § II, adopted March 6, 2006; Ord. No. 2006-68, § I, August 21, 2006.

tion, use and occupancy of buildings, structures or premises, as set forth in the 2012 International Fire Code, with modifications and supplements set forth in section 34-33, are hereby adopted and made applicable.  
(Ord. No. 2012-35, § I, 4-16-2012)

**Sec. 34-32. Definitions.**

(a) Wherever the word "municipality" is used in the ICC Fire Code, it shall be held to mean the Village of Gurnee.

(b) Wherever the term "corporate counsel" is used in the ICC Fire Code, it shall be held to mean the attorney for the Village.

(c) Wherever the words, "fire official" or "authority having jurisdiction" are used in the Fire Code, they shall be held to mean the Village of Gurnee Fire Marshal.  
(Ord. No. 2012-35, § I, 4-16-2012)

**Sec. 34-33. Modifications, supplements and exceptions.**

The following sections of the 2012 International Fire Code, are revised to read as follows:

**CHAPTER 1 ADMINISTRATION**

**SECTION 101 GENERAL**

*Subsection F101.1 Title.* These regulations shall be known as the Fire Code of the Village of Gurnee, hereinafter referred to as "this Code."

*Subsection F101.2.1 Appendices.* All appendices are adopted as part of this Code.

*Subsection F109.2.2 Written violation notices.* At the end of this subsection F109.2.2, add the following:

The schedule and type of written violation notices are as follows:

- First Offense 30 days for Compliance
- Second Offense 15 days for Compliance
- Third Offense Warning Citation 10 days for Compliance
- Fourth Offense Citation Issued Court Appearance

Each violation is considered a separate offense with fines levied as provided in the Gurnee Municipal Code.

*Subsection F109.2.3 Administrative citation and fine.* At the end of this subsection F109.2.3, add the following:

The code official or their designee may issue administrative citations for the following violations:

- Blocking approved and posted fire lanes
- Blocked or locked means of egress
- Unauthorized work on fire protection system
- Tampering with fire protection system
- Disabling fire protection system
- Unauthorized open burning
- Blocking a fire hydrant
- Blocking a fire department connection
- Open burning violation

The fine for each offense shall be paid to the village clerk and shall follow the fine schedule of the village police department. The costs for all such fees shall be set forth in section [32-37]. Failure to pay the full amount in the prescribed time- limits will result in a court citation being issued.

**CHAPTER 9 FIRE PROTECTION SYSTEMS**

*Subsection F901.2.2 Hydraulic calculations.* At the end of this subsection F901.2.2, add the following:

Provide a minimum of 10 percent or 5 psi safety factor in the fire protection system hydraulic calculation.

*Subsection F901.4.1.1 Hydraulic calculations.* At the end of this subsection F901.4.1.1, add the following:

The following restrictions will apply:

1. Flexible type sprinkler head connections are not approved for sprinkler installations
2. The Reduced Backflow Preventer (RPZ) shall be installed without meter by-pass

- Galvanized piping shall not be installed prior to the RPZ

*Subsection F903.2 Where required.* Delete all text in subsections 903.2 through 903.2.12, inclusive, and substitute the following to read:

*Subsection F903.2 Where required.* Approved automatic sprinkler systems in new buildings and structures shall be provided in all use groups described in this Code.

Exceptions:

- Temporary and mobile structures (to include real estate sales and construction trailers utilized during the development of property), and agricultural storage buildings
- Structures being converted from Use Group R3 (Except Townhouses) to Use Group B (Professional Office) or Use Group M (Mercantile) that are under 4,000 square feet total space and have an approved fire alarm and detection system which also complies with Subsection 907.1.

*Subsection F903.4.2.1 Audio/Visual devices.* At the end of this subsection F903.4.2.1, add the following:

All fully sprinkled buildings shall be provided with a fire alarm system so that audio/visual devices are heard and seen in all areas of the building. Installation shall comply with NFPA 72.

*Subsection F903.4.3 Floor control valves.* Delete all text in subsection F903.4.3, and substitute the following to read:

Approved supervised indicating control valves with water flow switches will be installed:

- In new buildings and structures three or more stories above or below grade, provide at the point of connection to the riser on each floor.
- In new single story buildings with six or more tenants, or where there are fire areas of 6,000 square feet or more, provide in each tenant space or area at the point of connection to the riser.

*Subsection F905.1.1 Standpipe requirement.* At the end of this subsection F905.1.1, add the following:

Wherever Class I, II, or III standpipes are required in this code, Class I shall be installed.

*Subsection F905.3.1 Standpipe height requirement.* Delete all text in subsection F905.3.1, and substitute the following to read:

Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 20 feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 20 feet below the highest level of the fire department vehicle access.

*Subsection F907.1 General.* At the end of this subsection F907.1, add the following:

Fire Alarm and Detection systems:

- Must transmit three distinctly different signals (True Fire, Trouble, and Supervisory).
- All signals therefrom must be automatically transmitted to the Village of Gurnee dispatch center.
- Duct detectors and tamper switches must transmit a supervisory alarm.

*Subsection 907.6.5 Monitoring.* Delete all text in subsection 907.6.5 and substitute the following to read:

Subsection 907.6.5 Monitoring.

All required fire protective signaling systems located within the Village of Gurnee shall transmit alarm, supervisory, and trouble signals directly to the Village of Gurnee main dispatch Communication Center via a wireless two-way radio transmitter.

Exceptions:

- Single and multi-station smoke detectors are required by Section 907.2.11.
- Smoke detectors in buildings of Use Group 1-3 occupancies.

3. Automatic sprinkler systems in one- and two-family dwellings.

(Ord. No. 2012-35, § I, 4-16-2012; Ord. No. 2013-40, § VIII, 8-19-2013; Ord. No. 2013-57, § I, 11-18-2013)

**Secs. 34-34—34-60. Reserved.**

**ARTICLE III. FIRE DEPARTMENT\***

**DIVISION 1. GENERALLY**

**Sec. 34-61. Created.**

There is hereby created a fire department of the village which shall consist of a fire chief and such other members as the board of trustees may from time to time prescribe.

(Code 1977, § 3.12(a))

**Sec. 34-62. Fire chief.**

The fire chief shall be appointed by the village president by and with the consent of the board of trustees. The fire chief shall be in charge of the fire department and all members thereof shall be subject to his orders.

(Code 1977, § 3.12(b))

**Cross reference**—Officers and employees, § 2-91 et seq.

**Sec. 34-63. Divisions.**

In order to carry out its functions, the fire department is divided as follows:

- (1) Fire administration.
- (2) Fire prevention.
- (3) Emergency services.
- (4) Support services.
- (5) Training and information services.

(Code 1977, § 3.12(c))

**Sec. 34-64. Regulations.**

The rules and regulations established by the fire department shall be submitted to the board of trustees for approval and acceptance.

(Code 1977, § 3.12(d))

**\*Cross reference**—Departments, § 2-311 et seq.

**Sec. 34-65. Establishment and duties of bureau of fire prevention.**

(a) The fire prevention code shall be enforced by the bureau of fire prevention in the fire department which is hereby established and which shall be operated under the supervision of the chief of the fire department.

(b) The fire marshal in charge of the bureau of fire prevention shall be appointed by the chief of the fire department of the village. His appointment shall continue during good behavior and satisfactory service, and he shall not be removed from office except for cause.

(c) The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the village the employment of technical inspectors, who, when such authority is made, shall be selected through an examination to determine their fitness for their position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

(d) A report of the bureau of fire prevention shall be made annually and transmitted to the village administrator of the village. It shall contain all proceedings under this Code, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the Code which, in his judgment, shall be desirable.

(Ord. No. 97-49, § 3, 4-28-1997)

**Sec. 34-66. Authority at fires and emergencies, interference with departmental operations, compliance with fire chief's orders, crossing fire hoses.**

The subject of the fire department's authority at fires and other emergencies involving the protection of life or property, interference with fire department operations, compliance with orders of

the fire chief's orders, and crossing fire hoses with vehicles, shall be governed by the code adopted by section 34-31.

**Sec. 34-67. Adoption of fire control measures and regulations.**

There is hereby adopted by the president and board of trustees, the fire control measures and regulations as set forth in this chapter for the purposes of controlling conditions which could impede or interfere with fire suppression forces. (Code 1977, § 28.02)

**Sec. 34-68. Reserved.**

**Sec. 34-69. Interference with fire department operations.**

No person shall interfere with, attempt to interfere with fire department operations as provided in the code adopted by section 34-31. (Code 1977, § 28.04)





**Sec. 34-70. Compliance with orders.**

No person shall willfully fail or refuse to comply with any lawful order or direction of the fire chief or interfere with the compliance attempt of another individual, in accordance with the 1996 BOCA National Fire Prevention Code, adopted by section 34-31 of this Code.  
(Code 1977, § 28.05)

**Sec. 34-71. Vehicles crossing fire hose.**

A vehicle shall not be driven or propelled over any unprotected fire hose of any fire department when laid down on any street, alley, way, private drive or any other vehicular roadway without the consent of the fire chief or person in command of the operation, in accordance with the code adopted by section 34-31.  
(Code 1977, § 28.06)

**Cross reference**—Traffic and vehicles, ch. 78.

**Sec. 34-72. Tampering with fire department emergency equipment.**

In accordance with the code adopted by section 34-31 a person shall not without proper authorization from the fire chief in charge of any fire department emergency equipment, cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the vehicle is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protection clothing on, or a part of, any fire department emergency vehicle.  
(Code 1977, § 28.07)

**Sec. 34-73. Injuring equipment or personnel.**

In accordance with the code adopted by section 34-31 it shall be unlawful for any person to damage or deface, or attempt, or conspire to damage, or deface, any fire department emergency vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while performing departmental duties.  
(Code 1977, § 28.08)

**Secs. 34-74—34-90. Reserved.**

## DIVISION 2. PENSION FUND

**Sec. 34-91. Firefighter's pension fund.**

The firefighters' pension fund provided for under 40 ILCS 5/4-101 et seq., shall be administered in accordance with state law.  
(Code 1977, § 3.121)

**Secs. 34-92—34-119. Reserved.**

## ARTICLE IV. FIREWORKS\*

**Sec. 34-120. Consumer fireworks defined.**

*Consumer fireworks* means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers", "booby traps", "snappers", "trick matches", "cigarette loads", and "auto burglar alarms"; sparklers; toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 0.25 grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than 0.20 grains of explosive mixture; the sale and use of which shall be permitted at all times.  
(Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-121. Display fireworks defined.**

The term "display fireworks" means those fireworks used for professional outdoor displays and

\***Editor's note**—Ord. No. 2006-20, adopted Mar. 6, 2006, amended art. IV, which consisted of § 34-121, to read as herein set out. Former art. IV, pertained to similar subject matter and derived from the 1977 Code; and Ord. No. 95-54, adopted June 19, 1995.

**Cross reference**—Fireworks, § 34-34.



classified as fireworks UN0333, UN0334, or UN0335 by the United States Department of Transportation under 49 C.F.R. 172.101. (Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-122. Sparkler novelties defined.**

The term sparkler novelties shall mean and include any explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation and shall include any cylindrical tube(s), cardboard or heavy cone containing pyrotechnics composition including sparkler fountains, cone fountains, illuminating torches, or filter sparklers, however, that the term "sparkler novelty" shall not include smoke devices, trick noise makers and sparkler devices, known as "sparklers", consisting of a stick or wire coated with pyrotechnic composition not exceeding 3.5 ounces in weight per item; "party poppers", containing not more than 0.25 grains (16mg) of explosive composition; "snappers" containing not more than 0.02 grains (1 mg) of explosive composition; and "snakes" containing not more than 0.07 ounces (2 grams) of explosive composition. (Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-123. Consumer and display fireworks prohibited, except for permitted public displays.**

It shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, manufacture, store, offer for sale, expose for sale, sell at retail, use or explode any display or consumer fireworks in the village, except the board of trustees may grant a permit for the display of fireworks under such conditions as it may impose under the provisions of the Fireworks Use Act (425 ILCS 35/1 et seq.). (Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-124. Sale of sparkler novelties prohibited.**

It shall be unlawful for any person, firm, co-partnership or corporation to knowingly offer for

sale, expose for sale or sell any sparkler novelties within the village as defined in section 34-122 herein. (Ord. No. 2006-20, § I, 3-6-2006)

**Sec. 34-125. Penalties of seizure.**

Any person who violates any portion of this article shall be fined in an amount as set forth in section 32-35 for each and every offense, depending on the seriousness and frequency of violations. Anyone found to be in violation of this section shall relinquish all illegal fireworks to either the village fire marshal or the police department for destruction. (Ord. No. 2006-20, § I, 3-6-2006; Ord. No. 2013-40, § VIII, 8-19-2013)

**Secs. 34-126—34-150. Reserved.**

**ARTICLE V. OUTDOOR FIRES**

**Sec. 34-151. Definition.**

An outdoor fire shall mean an intentional bonfire, grass fire, or any similar burning conducted in the open air, or in an incinerator or similar device from which the smoke is discharged into the open air. Outdoor fires shall not include small outdoor woodburning fires, outdoor preparation of food by barbecue, the burning of wood in indoor fireplaces, burning conducted for the purpose of fire department training, or wetland burns as required by the U.S. Army Corps of Engineers. (Code 1977, § 43.11(a); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)  
**Cross reference**—Definitions generally, § 1-2.

**Sec. 34-152. Outdoor fires prohibited.**

It is unlawful to build, ignite or maintain any outdoor fire in such a way as to endanger any building, structure, property or persons. (Code 1977, § 43.11(b); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

**Sec. 34-153. Exceptions; special use permits required.**

All other outdoor fires are prohibited, and exceptions shall be made by a special use permit

only. Such special use permits shall be issued at the discretion of the fire chief or an authorized representative. Burning conducted under a special use permit shall conform to this section as well as additional regulations prescribed by the fire chief. The costs for such special use permit shall be determined by an applicable village fee schedule.

(Code 1977, § 43.11(c); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

**Sec. 34-154. Extinguishing outdoor fires.**

The fire chief, police chief, and the superintendent of public works, or their authorized representatives, shall have the authority to require that any outdoor fire be immediately extinguished when, in their opinion, such fire creates a hazard or constitutes a violation of this section. If such a request for a fire to be extinguished is not fulfilled, the fire chief, police chief, or superintendent of public works, or their authorized representatives, may take action to have such fire extinguished.

(Code 1977, § 43.11(d); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

**Sec. 34-155. Penalty.**

Persons who violate any portion of this article may be fined in an amount not less than \$25.00 and not more than as provided in section 1-11 for each and every offense, depending on the seriousness and frequency of violations.

(Code 1977, § 43.11(e); Ord. No. 97-122, §§ 1, 2, 10-27-1997; Ord. No. 98-31, § 1, 3-16-1998)

**Secs. 34-156—34-180. Reserved.**

**ARTICLE VI. HAZARDOUS EMISSIONS**

**Sec. 34-181. Hazardous emissions.**

*Definitions.* For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

*Abandonment* means the act of leaving a thing with the intent not to retain possession of or assert ownership control over it. The intent need not coincide with the act of leaving. It is prima

facie evidence of the necessary intent to abandon a vehicle, vessel or container containing a hazardous substance that:

- (1) The vehicle, vessel or container has been left for more than two days unattended and unmoved, unless the existence in place of the vehicle, vessel or container is a clear and present danger to the health or safety of the public, in which case an immediate abandonment is presumed; or
- (2) License plates or other identifying marks have been removed from the vehicle, vessel or container; or



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- (3) The vehicle, vessel or container has been damaged or is deteriorated so extensively that it has value only for junk or salvage; or
- (4) The owner/operator has been notified by a law enforcement agent to remove the vehicle, vessel or container and it has not been removed within 24 hours after notification.

*Costs* means all expenses incurred by the village or any other public agency assisting the village as a result of any removal or remedial action. These expenses include, but are not limited to, the actual labor costs of personnel involved, the cost of equipment, consumable materials, and actual damage or loss to any equipment and material, and the cost of any contract labor or materials necessary as a function of the removal or remedial action.

*Container* means a receptacle used for the shipment of goods that meets one or more of the following:

- (1) Of permanent character and strong enough for repeated use; or
- (2) A cargo container used to transport small quantities of materials (e.g., box, drum, carboy); or
- (3) Specifically designed to facilitate the carriage of goods by one or more modes of transportation without intermediate re-loading.

*Facility* means any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pond, lagoon, impoundment, ditch, landfill, storage container, tank, motor vehicle, truck trailer, rolling stock or aircraft. Also, any site or area where a hazardous material has been deposited, stored, disposed of, abandoned, placed, or otherwise come to be located.

*Fire chief* means the Fire Chief of the Village of Gurnee or his authorized representative.

*Hazardous substance* means:

- (1) Any material as designated pursuant to the Federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 42 USA 9601 (14), as amended or as may be amended; or
- (2) Any substance, material, waste, or mixture designated as a hazardous material, waste, or substance according to 49 Code of Federal Regulations (CFR) or according to 430 ILCS 35/1 et seq., as amended or as may be amended, excluding highway route controlled quantities of radioactive materials as defined in 49 CFR and special fireworks as defined in 49 CFR 173.88(d) when the aggregate amount of the flash powder does not exceed 50 lbs.; or
- (3) Any material listed on the Environmental Protection Agency Pollutants, 40 CFR 401.15, as amended, or as may be amended; or
- (4) Any material which is classified by the National Fire Protection Association (NFPA) as a flammable liquid, a class 2 combustible liquid, or a class 3 combustible liquid; or
- (5) Any material which has been determined by the party storing it, or having control of it, through testing or other objective means, to be likely to create a significant potential or actual hazard to the public health, safety, or welfare or to the environment. This definition shall not establish any requirement to test for the purposes of this section; or
- (6) Any material which has been determined by the fire chief, through information based on appraisal and assessment from reliable resources, to be likely to create a significant potential or actual hazard to the public health, safety, or welfare or to the environment. The fact that the material in question is not designated as a hazardous substance pursuant to subdivisions 1-5 of this definition, or is excluded by the legislation of NFPA classifications of subdivisions 1-4, does not preclude the

fire chief from determining that the material is a hazard, given the totality of the particular facts and circumstances, existing at the time of the hazardous substance incident.

- (7) Any material, substance or mixture of materials or substances which are toxic, flammable, corrosive, explosive, carcinogenic or radioactive including, but not limited to, any substance or material which is designated a hazardous material pursuant to the "Hazardous Materials Transportation Act" (49 U.S.C.A., sections 1801, et seq.) in a quantity and form which may pose a substantial present or potential hazard to human health, property or the environment when improperly released, treated, stored, transported, disposed of, or otherwise managed.

*Hazardous substance incident* means any circumstance involving the release or threatened release of a hazardous substance, which in the judgment of an emergency response authority, whether said emergency response authority be the village, a MABAS agreement member unit, or a federal or state agency or other local agency, creates a significant potential or actual hazard to the environment or to the public health, safety, and welfare excluding regulated risks associated with hazardous substances in the normal course of an individual's employment. "Hazardous substance incident" includes those incidents of releasing or abandoning of a hazardous substance, whether or not such release or abandoning is found to threaten immediate and irreparable harm, but such term does not include any release of a hazardous substance authorized pursuant to federal, state, or local law or regulation.

*Person* means any individual, public or private corporation, partnership, association, firm, trust, sole proprietorship, or estate, state or any department, institution, or agency thereof, any municipal corporation, county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties and which is not subject to privilege or immunity from liability for a hazardous substance incident.

*Release* means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leeching, dumping, vaporizing, evaporating, or disposing into the environment of a hazardous substance, but excludes:

- (1) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine;
- (2) The normal application of fertilizer;
- (3) A release authorized pursuant to any federal, state or local law or regulation.

*Remove or removal* means any one or more of the controlling, containing, collecting, isolating, diverting, confinement, stabilizing, neutralizing, cleanup or removal of released hazardous substances from the environment or from any facility or any one or more of such actions as may be necessary to be taken in the event of the threat of a release of hazardous substances or such actions as may be necessary to monitor, assess, and evaluate the release or threatened release of hazardous substances, the disposal of removed material, or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health, safety or welfare or to the environment which may otherwise result from a release or threatened release of hazardous substances. The term includes, in addition, without being limited to, security fencing or other measures to limit access to property or facilities, providing of alternative water supplies, temporary evacuation of and housing for threatened individuals, and any emergency assistance which may be provided under the Illinois Emergency Services and Disaster Agency Act of 1975, as amended or as may be amended, pursuant to a MABAS agreement.

*Vehicle* means any device which is capable of moving itself, or being moved, from place to place upon wheels or tracks. The term includes, but is not limited to, any motor vehicle, trailer, semi-trailer, railroad engine, railroad car, or aircraft.

*Vessel* means any craft which is made to float upon water or which does float upon water. (Ord. No. 99-43, § 1(28.17(A)), 4-5-1999; Ord. No. 2001-84, § 1(28.17(A)), 10-15-01)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 34-182. Liability for hazardous substance incident, removal and costs.**

(a) It shall be unlawful for any person to cause, suffer, threaten, suffer the threat of or allow, the discharge of hazardous substances or hazardous materials into the environment unless such discharge is in accordance with an appropriate permit granted by the [State of] Illinois Environmental Protection Agency or other federal, state or local agency having primary jurisdiction over the discharge and such discharge is in such a condition, place and manner as will not create a clear and present or potential hazard to human health, property or the environment.

(b) The Gurnee Fire Department, under the command of the fire chief and his designated representatives, and in cooperation with all other appropriate jurisdictional authorities, is authorized to remove and abate the effects of any hazardous substance incident:

- (1) Upon or into the environment of or property or facilities in the village; or
- (2) Pursuant to any mutual aid box alarm agreement in effect; or
- (3) Outside the corporate or response limits where the health, welfare, or property of the village or those people within its protection are in danger.

(c) The following persons shall be jointly and severally liable to the village for payment of all costs, direct and indirect, incurred by the village as a result of any removal or abatement of a hazardous materials incident and to any member unit of a MABAS agreement rendering aid to the village pursuant to said agreement:

- (1) The person or persons whose conduct caused such release; and
- (2) The person or persons who owned or had custody or control of the hazardous substance at the time of such release, without regard to fault or proximate cause; and
- (3) The person or persons who owned, operated, or had custody or control of the facility, container, vehicle or vessel which held such hazardous substance at the

time of, or immediately prior to, such release or threatened release, without regard to fault or proximate cause; and

- (4) Any person owning or in control of any real property from which a hazardous substance is, or is threatened to be, released.
- (5) Any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a discharge or substantial threat of a discharge of such hazardous materials.
- (6) Any person who accepts or accepted any hazardous materials for transport to disposal, storage or treatment facilities from which there is a discharge or a substantial threat of discharge of such hazardous substances.

(d) In the event any person undertakes voluntarily or upon order of the fire chief to remove or abate the effects of any actual or threatened hazardous substance release, the fire chief may take such action as is necessary to supervise or verify the adequacy of the removal or the abatement. The persons described in paragraph (b)(2) through (c)(6) of this section shall be liable to the village for all costs, direct or indirect, incurred as a result of such supervision or verification.

(Ord. No. 99-43, § 1(28.17(B)); Ord. No. 2001-84, § 1(28.17(B)), 10-15-01)

**Sec. 34-183. Removal or abatement costs.**

(a) For purposes of this section, costs incurred by the village shall include all costs and expenses of the village incurred in connection with the removal, cleanup, abatement of, or remedial action resulting from, the discharge of hazardous material or the extinguishment of a fire involving hazardous material and shall include, but shall not be limited to, the following: actual labor costs of village personnel involved in the clean up or abatement of the discharge or the extinguishment of a fire involving hazardous material (including,



without limitation, worker's compensation benefits, fringe benefits, and administrative overhead); cost of equipment operation; damage and loss as published and updated by the village finance director; cost of materials obtained directly by the village; cost of any contract labor or materials; cost of any medical treatment or expense incurred by the village, its employees and agents, and arising out of said emergency services; costs of consultants whose expertise is required to remove or abate the incident or to assess the nature and the extent of the damage done; the replacement costs of vehicles or equipment which, in the reasonable determination of the fire chief, is contaminated beyond reuse or repair; laboratory costs; costs of materials and equipment obtained directly by the village; costs incurred by any other fire department or entity providing a MABAS response; and attorney's fees and costs incurred in collecting monies owed to the village by the liable party or parties.

(b) When the action to remove or abate the effects of a hazardous substance includes extinguishing a fire, the costs imposed pursuant to this section may only include the expenses related to the hazardous substance and not to any expense related to extinguishing the fire.

(c) Nothing contained in this section shall be construed to change or impair any right of recovery or subrogation arising under any mutual aid agreement, or other ordinance, statute, or provision of law. No criminal or quasi-criminal remedy for any wrongful action shall be excluded or impaired by this section.

(d) The director of finance of the village shall prepare invoices for any and all sums due from any and all parties pursuant to this section, shall allow 45 days for payment of the reimbursement amount and shall consider any written objections on the type and amount of expense.

- (1) If payment is made after 45 days but within 60 days after invoice, a 1.5 percent interest charge shall be incurred;
- (2) If payment is made after 60 days but within 90 days after invoice, a 2 percent interest charge shall be incurred;

- (3) If payment is made after 90 days but within 120 days after invoice, a 2.5 percent interest charge shall be incurred; and
- (4) If payment is not made within 120 days after invoice, the finance director shall refer the matter to the village board to determine whether to instruct the village attorney to proceed with litigation.

(e) A MABAS member unit rendering aid to the village in a hazardous substance incident pursuant to a MABAS agreement shall have its own right of action under this section for recovery of its costs.

(Ord. No. 99-43, § 1(28.17(C)); Ord. No. 2001-84, § 1(28.17(C)), 10-15-01)

**Sec. 34-184. Liberal construction.**

This section shall be liberally construed to give effect to its purpose, which is to shift the burden of liability for threatened or actual hazardous substance instances from the taxpayers of the village and the Warren-Waukegan Fire Protection District to those as defined in this section as being responsible for the incident.

(Ord. No. 99-43, § 1(28.17(D)); Ord. No. 2001-84, § 1(28.17(D)), 10-15-01)

**Secs. 34-185—34-199. Reserved.**

**ARTICLE VII. RESCUE SERVICES**

**Sec. 34-200. Rescue services provided by village.**

The purpose of this article is to establish the appropriate fees for the provision of emergency medical and ambulance transportation services by the Gurnee Fire Department.

(Ord. No. 2006-71, § I, 8-21-2006)

**Sec. 34-201. Fees.**

(a) *Applicability.* Each person that receives ambulance transportation or emergency medical services from the village shall be charged a user fee for such ambulance transportation and emergency medical services performed by the village on behalf of such person.



(b) *Billing; amount; disposition of revenue.* The village administrator or designee shall cause a bill to be issued and sent to the appropriate entity or person responsible for payment for said person having been transported by ambulance and having received emergency medical services. The village board shall establish a schedule of the applicable fees for all services received by a person with regard to ambulance transportation and emergency medical services. The village board is authorized to modify or change the fees from time to time based upon, but not limited to, applicable Medicare rates, reimbursement rates, costs standard in the insurance or health care industry, and actual cost of services and supplies.

pursuant to the village's account receivable policy and other applicable village rules and regulations.  
(Ord. No. 2006-71, § I, 8-21-2006)

(c) *[Authority to accept payment.]* The village administrator or designee is hereby authorized to accept payment from Medicare, Medicaid, any federal health care program, insurers or other third party payers for any fee charged under this section.

- (1) As to village residents, the village will charge and collect only those amounts that are covered by federal health care programs, including but not limited to Medicare and Medicaid, insurers or any other third party payer. Such bills shall be sent directly to the third party payer, if the identity of such payer is known, with a statement to the resident indicating that the village will accept the payment by the third party payer as payment in full. Any and all payments made by the aforesaid third parties for residents, will be accepted by the village as paid in full and the resident will have no obligation to make any additional payment as a co-payment, deductible or otherwise.
- (2) In relation to nonresidents, the nonresident shall be liable and responsible for full payment of the transportation and services provided.
- (3) All fees collected in conformance with this section shall be deposited in the general fund of the village.
- (4) In addition to the provisions herein, the procedures for collection of fees shall be



Chapters 35—37

**RESERVED**



Chapter 38

**HUMAN RELATIONS\***

Sec. 38-1. State law adopted.

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\***Cross reference**—Administration, ch. 2.



**Sec. 38-1. State law adopted.**

Those provisions of the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., relating to fair housing practices, are hereby adopted by reference as if set out at length herein.





Chapters 39—41

**RESERVED**



## Chapter 42

### **LAW ENFORCEMENT\***

#### **Article I. In General**

Secs. 42-1—42-30. Reserved.

#### **Article II. Police Department**

- Sec. 42-31. Created.
- Sec. 42-32. Chief of police.
- Sec. 42-33. Duties.
- Sec. 42-34. Police pension fund; board of trustees.
- Sec. 42-35. Community service officer position created; duties.

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\***Cross references**—Administration, ch. 2; civil emergencies, ch. 26; emergency services, ch. 30; offenses and miscellaneous provisions, ch. 46; traffic and vehicles, ch. 78.



**ARTICLE I. IN GENERAL**

**Secs. 42-1—42-30. Reserved.**

**ARTICLE II. POLICE DEPARTMENT\***

**Sec. 42-31. Created.**

There is hereby created a police department of the village which shall consist of a chief of police and such other members as the board of trustees may from time to time prescribe.  
(Code 1977, § 3.11(a))

**Sec. 42-32. Chief of police.**

The chief of police shall be appointed by the village president by and with the consent of the board of trustees. The chief of police shall be in charge of the police department and all members thereof shall be subject to his orders. The chief of police may make rules for the functioning of the police department, subject to the approval of the board of trustees. The chief of police shall keep such records and make such reports of the activities of the department as may be required by statute or ordinance. The chief of police shall be keeper of the village jail and shall have custody of all persons incarcerated therein.  
(Code 1977, § 3.11(b))

**Cross reference**—Officers and employees, § 2-91 et seq.

**State law reference**—Similar provisions, 65 ILCS 5/10-2.1-1.

**Sec. 42-33. Duties.**

The members of the police department shall enforce the ordinances of the village and laws of the state effective in the village. They shall preserve order, prevent infractions of the law, and arrest violators of the law or ordinances of the village.  
(Code 1977, § 3.11(c))

**Sec. 42-34. Police pension fund; board of trustees.**

There shall be a police pension fund established by the village, as provided by law. A board composed of five residents of the village shall

**\*Cross reference**—Departments, § 2-311 et seq.

constitute the board of trustees of the police pension fund. Members of the board of trustees of the police pension fund shall be appointed and elected as provided by state statute. The board of trustees of the police pension fund shall have the powers and duties prescribed by state statute.  
(Code 1977, § 3.11(d))

**State law references**—Created, 40 ILCS 5/3-101; board of trustees, 40 ILCS 5/3-128.

**Sec. 42-35. Community service officer position created; duties.**

There is hereby created in the police department of the village, the position of community service officer. A community service officer is a uniformed, unarmed, noncivil service member of the police department engaged in public service, telecommunications, administrative and ordinance enforcement duties within the police department. The chief of police with the advice and consent of the village administrator and village board may appoint community service officers in such numbers as the village board shall from time to time deem necessary. Community service officers shall be members of the police department, but not subject to village civil service commission rules and regulations and not members of the police pension fund.

- (1) No applicant may be appointed as a community service officer if he has been convicted of a felony, serious misdemeanor or other crime involving moral turpitude. An applicant for the community service officer program shall: be a United States citizen; be at least 18 years of age; submit to a physical examination to ensure sufficient physical fitness to perform required duties; have the minimum of a high school education, diploma or recognized documented equivalent; have a valid class A state driver's license; and possess adequate writing and communication skills necessary to perform the functions of this position.
- (2) Each community service officer shall take an oath of office.
- (3) Community service officers shall receive on the job training as deemed necessary by the chief and deputy chief of police and

shall receive such course of instruction in the use of materials, communications equipment, and other police procedures as shall be appropriate in the exercise of the powers and duties conferred upon them, and from time to time, attend special training seminars as shall be deemed necessary by the chief or deputy chief of police.

- (4) Community service officers shall be assigned to perform all the duties in the police department as delineated in the village police department operation manual - "Duties of Community Service Officer(s)," and as such job description may be revised and incremented upon by the chief of police. Community service officers shall not be assigned to calls of a criminal nature, or which require attention by a sworn, state-certified police officer, or which in the discretion of the supervisor, would constitute a hazard for an unarmed officer, to include but not limited to: crimes in progress, fights in progress, alarms, traffic stops, calls requiring follow up investigation by state certified police officers, investigators, or juvenile officers, domestic trouble or neighbor disputes, noisy parties, or suspicious persons.
- (5) Community service officers shall have the power and duty to enforce the following terms and provisions of the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq., the Code of Ordinances relating to certain traffic and parking regulations, and certain quasi criminal regulations of the village, and similar village park district ordinances. The chief of police may further specify, revise and increment upon specific ordinance enforcement powers of the community service officers in addition to those delineated in this section as changes in state law, or village and village park district ordinances may occur. This shall be accomplished by the power to issue village police warning tickets, notices of ordinance violations tickets, and traffic/nontraffic citations, commensurate with

police department rules, regulations and guidelines published in the village police department manual of procedures:

- a. Pursuant to village Ordinance 41.01, which adopts the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq.; community service officers enforcement duties include the following sections of 625 ILCS 5/4-201 et seq., lost/stolen/unclaimed/abandoned vehicles; 625 ILCS 5/11-1001—5/11-1011 et seq., pedestrians rights and duties; 625 ILCS 5/11-1301—5/11-1306, et seq., stopping, standing and parking; 625 ILCS 5/11-1501—5/11-1514, bicycles; and Article II through VII, of the Snowmobile Registration and Safety Act, 625 ILCS 40/2-1—40/7-1.
  - b. Village ordinances: chapter 14, animals; outdoor fires, chapter 34, article V; noise due to animals, section 46-34; nuisances, chapter 46, article VI; peddlers and solicitors, chapter 50; solid waste, chapter 62; traffic and vehicles, chapter 78.
  - c. All regulatory, noncriminal Gurnee Park District ordinances under chapter IX to exclude section 9.04 (assaults and battery); section 9.10 (disorderly conduct); section 9.26 (weapons), and under chapter 10, traffic, community service officers shall enforce all parking ordinances under section 10.14; impounding of vehicles under section 10.15; unattended motor vehicles under section 10.16; and parking lots under section 10.18.
- (6) All community service officers issuing citations for the violation of an ordinance of the village shall attend as witnesses before the courts where the trial may be had, and shall procure all necessary evidence in their power, and furnish a list of witnesses to the court and the village attorney. No community service officer shall be entitled to any witness fees to be



taxed against the village in any action for the violation of an ordinance where the village is plaintiff.

- (7) Community service officers shall wear the uniform designated by police department rules, regulations and general orders. The uniform shall be different than that worn by the state certified, sworn, police officers of the department. The elected method of uniform allowance for the community service officer shall be according to the quartermaster system as administered by the police department, or through uniform allowance, if so desired by the chief of police, allotted in the police department budget.
  - (8) Community service officers shall be, in addition to village rules and regulations, subject to the rules and regulations of the police department in the same manner as the regular police officers. Community service officers shall not be entitled, however, to review in disciplinary, promotional, or other matters before the village civil service commission.
  - (9) When authorized by the village board, one community service officer may be appointed by the chief of police, with the advice and consent of the village administrator, to perform the duties of "police property custodian" as such duties may be defined and required by the chief of police. Said duties shall include, but not be necessarily limited to, the care and custody of physical evidence held by the police department in furtherance of its law enforcement activities.
  - (10) The chief of police under advisement of the village administrator and president of the board of trustees shall determine through its annual budget, the compensation for community service officers. Benefits for community service officers are determined by the sections set forth in the village personnel policy manual.
- (Code 1977, § 3.11(e); Ord. No. 2002-106, § 2, 3, 11-18-2002)



Chapters 43, 44

**RESERVED**



## Chapter 45

### **TREES AND WOODLANDS PROTECTION**

- Sec. 45-1. Purpose and intent.
- Sec. 45-2. General scope.
- Sec. 45-3. Definitions.
- Sec. 45-4. Inside the village.
- Sec. 45-5. Permit required; tree removal application form and tree removal fees.
- Sec. 45-6. Application review and approval.
- Sec. 45-7. Permit time and expiration.
- Sec. 45-8. Maintenance and tree and woodland preservation.
- Sec. 45-9. Large properties and development sites.
- Sec. 45-10. Enforcement and appeals.
- Sec. 45-11. Penalties, permit revocation.
- Sec. 45-12. Tree commission.



**Sec. 45-1. Purpose and intent.**

The purpose and intent of this chapter is, through the preservation, protection, planting, and proper maintenance of trees and woodlands within the village and on land to be annexed to the village, to:

- (1) Prevent the unnecessary destruction of trees in the village.
- (2) Aid in the stabilization of soil by the prevention of erosion and sedimentation.
- (3) Aid in the control of drainage and restoration of denuded soil subsequent to construction or grading.
- (4) Reduce stormwater runoff and the costs associated therewith and replenish ground water supplies.
- (5) Provide a buffer and screen to protect against the adverse impacts associated against noise.
- (6) Provide moderation of temperature extremes.
- (7) Aid in the removal of carbon dioxide and generation of oxygen in the atmosphere and purify air and offset car emission pollution.
- (8) Provide a habitat and feed source for birds and other wildlife which, in turn, assists in the control of pests.
- (9) Protect and increase property values.
- (10) Conserve and enhance the village's unique physical and aesthetic environment.
- (11) Prevent the existence of trees which pose a threat, danger or nuisance to the public or to the property in the village.
- (12) Generally protect and enhance the quality of life and the general welfare of the village and its citizens.

(Ord. No. 2001-63, § 2(45.01), 7-16-2001)

**Sec. 45-2. General scope.**

Except as specifically exempted in this chapter the provisions of this chapter shall apply generally and uniformly to all development or redevelopment of commercial, industrial and residential

property. The provisions of this chapter shall apply for all new development, construction, expansion of existing land uses, structural alterations, or other improvement of a private or public building, structure or accessory building or the construction, extension or improvement of any parking lot or driveway which requires the removal of live trees having a breast diameter of six inches or more diameter breast height (DBH), and all areas seeking annexation to the village. Diameter breast height shall be considered to represent a height of four and one-half feet above the ground. This chapter shall also apply when removal of a tree with a DBH of six inches or greater is requested within the village limits, that is not connected with any construction, expansion, etc.

(Ord. No. 2001-63, § 2(45.02), 7-16-2001)

**Sec. 45-3. Definitions.**

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

*Caliper* means as measured at a point 12 inches above the ground.

*Closed canopy* means a wooded area that allows little or no light into the forest floor.

*Condition* means life expectancy of trees. State whether good, poor, dying, or dead.

*Conservancy* means any area designated as "conservancy" or equivalent on a plat of subdivision or plat of dedication approved by the village and recorded.

*Cutting* means felling or removal of a tree or any procedure the result of which is to cause the death or substantial destruction of a tree. "Cutting" does not include normal pruning, trimming or maintenance topping of trees.

*Designate* means a person appointed by the planning department to inspect the subject property for compliance or violation of this chapter.

*Destruction* means any human or animal activity which destroys or shortens the life expectancy of a tree.



*Development* means any proposed material change in the use of or character of land from an undeveloped or natural state.

*Diameter breast height (DBH)* means the diameter of the trunk of the tree measured in inches at a point four and one-half feet above ground level. This point of measurement is used for mature and established trees.

*Dripline* means the outside perimeter of the tree's canopy extended to the ground to represent the preservation area.

*Forest* means a dense growth of trees and underbrush covering a large tract of land, or a significant portion of a large tract of land.

*Landscape architect* means one whose profession is the arrangement of land for human use and enjoyment, involving the design and placement of structures, vehicular and/or pedestrian circulation, plantings, and their relationships with adjacent areas and who has professional and educational qualifications in plant physiology.

*Redevelopment* means any increased use or restructuring of present use of land that was already considered developed.

*Site* means that tract, parcel or lot of land for which a tree removal permit is sought.

*Structure* means any structure, building, patio, pool, deck, fence, shed, gazebo, etc., that would require a building permit to construct.

*Timberland* means land covered with forest and especially with marketable timber.

*Tree* means any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system. Supporting a definitely formed crown.

*Tree and woodland plan* means a plat indicating the woodlands and trees, indicating the trees to be preserved and new trees to be removed or planted. This may be included in a landscape plan.

*Tree canopy* means the area of space that live tree leaves and branches occupy.

*Tree coverage* means the total area of space a woodland canopy occupies.

*Tree removal permit* means the permit required by this chapter to remove any tree protected and regulated under the provisions of this chapter.

*Tree survey* [means that it] shows the number, diameter, location, condition and species-cultivars of all live trees on the subject property prior to any regulated tree destruction activity.

*Viable* means a tree which is capable of sustaining its own life process, unaided by man.

*Woodlands* a tract or parcel of land covered wholly or in substantial part with trees and related environs.

*Yard area* means an open space on the same lot or parcel with a building, said space being unoccupied with the exception of trees and other vegetation and/or accessory structures. (Ord. No. 2001-63, § 2(45.03), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

**Sec. 45-4. Inside the village.**

Trees and woodlands on vacant lots or lots already developed, built upon, and occupied.

- (1) *Tree permit required.* For removal or relocating of trees six inches or larger DBH or groves under the definition of "woodlands" with trees three inches or larger DBH, the conditions under which a permit may be issued include, but are not limited to the following:
  - a. Removal due to interference with the location or relocation of a parking lot, driveway, sidewalk, patio, deck, garden, fruit trees, swimming pool, and other structures.
  - b. Removal due to interference with the safe performance of planned, contemplated or existing underground or overhead utilities including water and sanitary and storm sewer lines, gas pipes, and telephone and electric poles and wires.
  - c. Removal in no-conservancy areas if the trees in a yard have matured to a point they are blocking reasonable

light and air reaching the yard and patio areas of the house or housing unit.

- d. Removal due to damage or injury to the extent that the tree is likely to die or become diseased.
  - e. Removal will avoid or alleviate an economic or health hardship of another nature on the property.
  - f. Removal is consistent with good forestry practice.
  - g. Removal will enhance a tree preservation area and the health of the remaining trees.
- (2) *Exceptions.* The permit requirements set forth in subsections d. and e., above, shall not apply to:
- a. Existing subdivided residential lots.
  - b. Emergencies involving, but not limited to tornadoes, windstorms, floods, freezes or other natural disasters.
  - c. Trees which have become, or immediately threaten to become, a hazard to persons, property or other vegetation and require immediate removal or destruction. The planning department may grant immediate verbal authorization by on-site inspection confirmed later with the issuance of a tree removal permit for record purposes.
  - d. Diseased, dead or dying trees as confirmed by the planning department and when necessary by a designated plantsman or other vegetation professional.
  - e. All active orchards and state or village approved tree nurseries shall be exempt from the terms and provisions of this chapter, but only in relation to those trees which are planted and growing for the sale or intended sale to the general public in the ordinary course of business or for some public purpose.

- f. Removal of invasive, non-native species, and village or state designated nuisance trees shall not require a tree removal permit.

(Ord. No. 2001-63, § 2(45.04), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

**Sec. 45-5. Permit required; tree removal application form and tree removal fees.**

Removal, relocation or replacement of trees is prohibited unless a permit therefor has been first obtained. Tree removal permits for the removal, relocation, or replacement of trees covered herein shall be obtained by submitting to the community development department an application on a form prescribed by the village. The tree removal, relocation or replacement permit fee shall be consistent with the zoning fee schedule for plan reviews.

- (1) *Application procedure.* For tree removals in conjunction with new development on lots:
  - a. Tree removal permit application not involving a building permit shall include:
    - 1. A sketch, photo or other description showing the location of the tree or trees to be removed.
    - 2. Information on the size and types of trees to be removed.
    - 3. Reasons for removing the trees.
    - 4. Any reports or studies if any indicating that the trees should be removed.
    - 5. Tree survey; see subsection (1)b.7. of this section.
    - 6. Such other relevant information as the planning department shall reasonably require.
  - b. A tree removal permit application involving a building permit shall include at the applicant's own expense, as an attachment to the application, two copies of a legible,

reproducible site plan drawn to scale and clearly showing the following information for the entire site:

1. Location, shape, and spatial arrangement of all existing and proposed walls, improvements, and structures.
2. Identification of uses on adjacent properties.
3. Location, shape, and spatial arrangement of all off-street parking and access roads.
4. Existing and proposed utility services.
5. Existing and proposed elevation.
6. Setbacks, yard requirements, and easements.
7. A tree survey, prepared by a landscape architect, overlaid directly upon the site plan and indicating the location, referenced to structures, of all trees with a DBH of six inches or greater. The survey shall distinguish existing trees which are proposed to be destroyed, relocated, replaced, preserved at their present location, or introduced into the development from an off-site source. All trees shall be identified by species and DBH. Groups of trees less than three feet apart may be designated as clumps, provided that any tree with a DBH of six inches or more must be specifically designated. The location of all tree removal activity is to be indicated on the tree survey. The planning department may exempt from inclusion in the tree survey those portions of the site which it determines will not be affected by the development activity.

(Ord. No. 2001-63, § 2(45.05), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

**Sec. 45-6. Application review and approval.**

Upon receipt of a completed application with required fees by the village, the planning department shall review said application. Such review may include site inspections and referral of the application for comment and recommendations to other appropriate village officials. A tree removal permit shall be granted only if:

- (1) It is found that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development and proposed use of the land to preserve existing trees and to otherwise enhance the aesthetic appearance of the development by the incorporation of trees in the design process.
- (2) The removal of the trees is part of good forestry practice that will result in woodland or forest enhancement and in conservancy areas, the village may require an opinion of a forester.
- (3) A guarantee of performance is required for all sites where more than five trees (which qualify for replacement) are to be removed. Adequate security for the replacement trees thereof shall be posted with the village in the form of an irrevocable, unconditional standby letter of credit in the amount of 115 percent of the value of the replacement stock and the costs of installation.
  - (a) *Generally.* In order to provide for the protection and preservation of trees in the village and to further provide for the orderly replacement of trees, no clearing and grading permit or tree removal permit shall be issued without these requirements being met.
  - (b) *Tree protection letter of credit.* Before approval of a clearing and grading permit or tree removal permit, the zoning administrator must find that all tree protection, preservation, and replacements have been designed in accordance with the provisions of this chapter and all other applicable ordinances of the village; provided,

however, that a permit may be approved upon the posting of a tree protection letter of credit or other guarantee acceptable to the village as provided in this chapter:

1. **Amount.** The amount of the security replacement trees shall be equal to 115 percent of the estimated cost of tree replacement and installation as approved by the zoning administrator.
  2. **Time limit.** All guarantees shall be payable to the Village of Gurnee and shall be enforceable by the village prior to or on a date 18 months from the date of issuance of a clearing and grading or tree removal permit. Additional time may be allowed if approved by the zoning administrator when requested in writing by the developer or owner(s).
  3. **Release.** The village board may reduce guarantees when requested in writing by the developer or owner(s) and approved by the zoning administrator. The village shall retain 30 percent of the guarantee until such time as the replacements are completed as certified by the zoning administrator.
- (c) *Guarantees.* In lieu of a bond provided for in this section, the developer or owner(s) may post a certified or cashier check(s) with the village, each check equal to 115 percent of the estimated cost of replacement as provided for above.
- (d) *[Letter of credit.]* Prior to final acceptance of the replacement trees, the developer or owner(s) shall submit a 25 percent letter of credit for the estimated cost of tree replacement and installation as submitted by the developer or owner(s)'s landscape architect or landscape contractor. Such

letter of credit bond shall be the developer's guarantee against dead, dying, or diseased trees and shall terminate 12 months after acceptance of the replacement trees by the community development department.

- (e) *Default.* If the improvements are not completed within the required time, the corporate authority of the village may use the bond or any portion thereof to complete replacement of the trees or may appropriate any portion of the guarantee for the same purpose.

(Ord. No. 2001-63, § 2(45.06), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

#### **Sec. 45-7. Permit time and expiration.**

The following sets forth the time limitations and expiration time of a tree removal permit:

- (1) Tree removal permits shall expire and become null and void if work authorized by such tree removal permit is not commenced within six months from the date of the tree removal permit or if such work, when commenced, is suspended or abandoned at any time for a period of 90 days.
- (2) A tree removal permit extension may be granted when deemed necessary by the planning department.

(Ord. No. 2001-63, § 2(45.07), 7-16-2001)

#### **Sec. 45-8. Maintenance and tree and woodland preservation and protection.**

(a) *Planting standards.* Any tree required to be planted as a condition of a permit or approval pursuant to this chapter shall conform to the American Standard for Nursery Stock as approved by the American Standards Institute, Inc., (or equivalent nationally recognized standard, as may be chosen by the village).

(b) *Preservation techniques.* The technique to be used to preserve trees and woodlands during construction shall be stated in the tree/woodland plan. The preservation technique employed shall

be approved by the planning department and shall be sufficient to preserve the life of the trees and/or woodland, and shall include:

- (1) Leave woodland intact wherever possible.
- (2) Place buildings adjacent to the woodland rather than within the woodland.
- (3) Fencing outside the dripline of the tree(s) or woodland to be saved before any grading or construction activities. Do not cut, fill, or compact soil within the tree(s) dripline area.
- (4) During construction, all reasonable steps necessary to prevent the destruction or damaging of trees shall be taken and unless authorized by the issuance of a tree removal permit, no excess soil, additional fill, equipment, liquids or construction debris shall be placed within the dripline of any tree that is required to be preserved in its present location unless the addition of excess soil fill or excavation is required in order to comply with the watershed development ordinance.
- (5) The "Lake County Soil and Water Conservation District Opinion" includes the article "Preserving Trees During Construction". The article shall be referenced for construction guidelines.
- (6) No attachments or wires other than those of a protective or nondamaging nature shall be attached to trees during construction.
- (7) Unless otherwise authorized by a tree removal permit, no soil is to be removed from within the root zone of any tree that is to remain at its original location.
- (8) Retain natural conditions of woodland floor or simulate natural conditions with ground cover.
- (9) The drainage of tree(s) or woodland(s) shall not be impeded.
- (10) Where applicable all removal operations and resulting conditions of the land shall comply with the watershed development ordinance.

(Ord. No. 2001-63, § 2(45.08), 7-16-2001)

**Sec. 45-9. Large properties and development sites.**

The provision of this section shall apply generally and uniformly to all development, redevelopment or expansion of multifamily, commercial, industrial or agricultural properties or uses of any size and residential property greater than one acre or subdivision of residential property resulting in the creation of two or more lots within the village limits, as well as properties newly annexed or undergoing annexation.

- (1) *Application procedure.* Any person requesting the destruction or relocation of trees or woodland shall submit the following information to the village planning department.
  - a. An application containing the name, address and telephone number of the applicant as well as the owner(s) of the property.
  - b. Location of the subject property including address or legal description and the size of the subject property acreage.
- (2) *Tree survey and landscape plan.* The applicant shall submit a tree survey and landscape plan developed by a qualified landscape architect drawn at a scale not smaller than one inch to 50 feet.

Reduced copies or variation may be required by the planning department or village board. The survey and plan shall comply with the following:

- a. Show the acreage of woodland area, the location of woodland(s) and trees three inches, in diameter or larger at breast height (DBH) of desirable native species (using both common and botanical names). Show dead, dying and trees requiring major pruning six inches in diameter or larger DBH.
- b. Show all existing trees six inches in diameter or larger measured at breast height (DBH), all natural features, existing and proposed public and private rights of way and easements, proposed landscaping, including such



details as the species, varieties, size and quantity of plant materials and indication shown on the plan of those that are proposed to be removed.

- c. Have attached, a written statement from the landscape architect describing the environmental effect of the landscaping on the development and neighboring, adjacent properties. Include setting goals of the plan in the statement, reasons for selections of specific plant materials, and time required for the plan to produce the desired environmental effect. Include how the plan will deal with any special environmental conditions, including wetlands, lakes, ponds, rivers or streams (flowing or intermittent), existing on-site or to be created by the development.

(3) *Approval of landscape plan.* The landscape plan shall be subject to approval by the planning department and in recommended cases, by the village board.

(4) *Tree preservation.* The developer or owner(s) shall retain, and protect wherever possible, woodlands and trees in areas of construction, including existing public and private street rights of way and easements. The preservation techniques under section 45-8 of this chapter shall be followed.

(5) *Tree and woodland compensation / replacement.*

- a. The developer or owner(s) shall replace any trees six inches in diameter or greater at DBH that are to be removed in accordance with the following size schedule. In addition, for properties with woodlands, as defined in this chapter, the developer or owner(s) shall replace any native species trees greater than three inches but less than six inches in diameter at DBH at a ratio of one replacement for every two trees removed.

<i>Size (Diameter at DBH) of Existing Trees</i>	<i>Number of Replacement Trees</i>	<i>Trunk Caliper of Replacements*</i>
30 or greater	3	5"
20—29	2	5"
11—19	2	3"
6—10	1	3"
<6	1 per 2	3"

\* Trunk caliper in inches as measured 12 inches above the established ground level.

- b. Replacement trees shall be of a high quality, disease free, regionally grown trees with a single straight stem with no scars. Trees selected shall be from the varieties described in [Village of] Gurnee Subdivision Ordinance, Part V, Paragraph G, Subsection 6.d. [section 70-402(d) of this Code], as amended.

(Ord. No. 2001-63, § 2(45.09), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006)

**Sec. 45-10. Enforcement and appeals.**

This chapter shall be a minimum standard and shall be enforced by the office of the zoning administrator.

Upon request, an applicant may petition the village board to waive any minimum standard established herein. The village board may grant such request provided the applicant has demonstrated enforcement of specific minimum standards on site would create a significant hardship and that an acceptable alternate means of compliance has been proposed which may include the payment of a fee in lieu of compliance.

Appeals from any administrative decision made under this chapter may be taken by the applicant to the village board upon recommendation by the village planning and zoning board.

(Ord. No. 2001-63, § 2(45.10), 7-16-2001; Ord. No. 2006-58, § I, 7-17-2006; Ord. No. 2012-25, § II, 4-2-2012)





**Sec. 45-11. Penalties, permit revocation.**

Any tree removal permit issued under this chapter shall be revoked or suspended if the permit holder violates the terms of the permit or any other provisions of this chapter. Any violation of this chapter shall be subject to a fine up to \$750.00. Each day that a violation hereof exists shall be considered a separate offense. Each tree removed in violation hereof shall be considered a separate offense.

(Ord. No. 2001-63, § 2(45.11), 7-16-2001)

**Sec. 45-12. Tree commission.**

(a) *Title.* This section shall be known and may be cited as the "Village of Gurnee Tree Commission Ordinance" of the Village of Gurnee, Illinois.

(b) *Purpose and intent.*

(1) *Purpose.* It is the purpose of this section to promote and protect the public health, safety, and general welfare by establishing a commission to provide for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the Village of Gurnee, Illinois.

(2) *Intent.* It is the intent of the president and board of trustees of the Village of Gurnee that the terms of this section shall be construed so as to promote the following:

- a. The planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the village; and
- b. The protection of community residents from personal injury and property damage, and the protection of the Village of Gurnee from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the community.

(c) *Definitions.* As used within this section, the following terms shall have the meanings set forth in this subsection:

- (1) *Village-owned property.* Property within the village limits of Gurnee, Illinois and;
  - a. Owned by the village in fee simple absolute; or

b. Implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

(2) *Property owner.* The record owner or contract purchaser of any parcel of land.

(3) *Trees, shrubs and other plants.* All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

(d) *The Village of Gurnee Tree Commission; establishment, composition, appointment of members, duties.*

(1) *Establishment.* The Village of Gurnee Tree Commission (hereinafter "tree commission") is hereby established. Its functions and duties are limited to those set forth in this section.

(2) *Composition.* The tree commission shall be composed of nine commissioners, six of whom are members of the board of trustees of the Village of Gurnee. The remaining three commissioners shall be ex-officio and shall not vote. The three ex-officio commissioners shall be the director of public works, the village administrator, and the village planner.

(3) *Appointment of members.* The term of each commissioner shall start on the date each member of the board of trustees is sworn into office. The length of terms of the commissioners appointed shall be the same as each board members' term of office. The mayor shall act as the chairperson of the tree commission.

(4) *Expiration or vacation of terms.* Should any commissioner resign from office as a member of the board of trustees, a successor shall be appointed by the mayor and shall serve for the unexpired period of the vacated term.

(5) *Duties.* The tree commission shall perform the following duties:

- a. 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 section.

- b. The tree commission shall advise and consult the village administrator or his designee on any matter pertaining to the Village of Gurnee Ordinance 88-36, 88-37, 88-38, or 91-157, which outline landscape regulations and their enforcement. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:

1. Amendments to the Village of Gurnee Ordinance, and creation, alteration, or revision of the arboricultural specifications manual, and creation, alteration, or revision of the urban forestry plan;
2. Policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the village;
3. Allocation of funds to the public works department, and expenditures of funds by the public works department;
4. Establishment of educational and informational programs;
5. Development of policies and procedures regarding the public works director or his designee's duties; and
6. Issuance of permits required by this section.

- c. The tree commission, upon the request of any person who disagrees with the decision of the village administrator or his designee, shall hear all issues of the disputes which arise between the village administrator or his designee and any such person whenever those issues involve matters or the interpretation

or enforcement of the arboricultural specifications manual, the urban forestry plan, or of the interpretation or enforcement of this section, including disputes regarding the issuance of permits, or the concurrence or nonconcurrence of the village administrator or his designee, in permits required under other ordinances or laws, 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 village administrator or his designee. Nothing in this section shall be construed to limit the jurisdiction of any court of law with respect to such disputes.

(e) *Public nuisances.*

- (1) *Definition.* The following are hereby declared public nuisances under this section:

- a. Any dead or dying tree, shrub, or other plant, whether located on village-owned property or on private property;
- b. 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;
- c. 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;
- d. 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;

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- e. 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 section.
- (2) *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.
- (3) *Abatement.* The following are the prescribed means of abating public nuisances under this section:
- a. Any public nuisance under this section 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.
  - b. Any public nuisance under this section 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:
    - 1. The public works director or his designee 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;
    - 2. 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;
    - 3. Such notice shall describe by legal description or by common description the premises;
    - 4. Such notice shall state the actions that the property owner may undertake to abate the nuisance;
    - 5. Such notice will require the elimination of no less than 30 days after the notice is sent to the person to whom was sent the tax general taxes for the last preceding year.
  - c. The public works director or his designee is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the public works director or his designee to be an immediate threat to any person or property.
    - (f) *Interference with public works director.* No person shall unreasonably hinder, prevent, delay or interfere with the public works director or his/her agents while engaged in the execution or enforcement of this section.
    - (g) *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 section, upon being found guilty of violation, shall be subject to a fine not to exceed \$200.00 for each separate offense, each day during which any violation of the provisions of this section shall occur or continue shall be a separate offense. If, as the result of the violation of any provision of this section, 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.

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(h) *Appeal.* Any party who elects to dispute any action or decision by the village public works director or his designee or tree commission shall be entitled to appeal to the village board of trustees for a final determination.  
(Ord. No. 97-149, §§ 1—10, 12-15-1997)

## Chapter 46

### OFFENSES AND MISCELLANEOUS PROVISIONS\*

#### Article I. In General

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\*Cross reference—Law enforcement, ch. 42.

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- Sec. 46-164. Reserved.
- Sec. 46-165. Unenumerated violations.
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- Sec. 46-167. Notice to abate or enjoin.
- Sec. 46-168. Abatement by village upon failure of owner.
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- Sec. 46-170. Abatement by village; expense statement.
- Sec. 46-171. Assessment of village abatements costs.
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**Article VII. Weapons**

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**ARTICLE I. IN GENERAL**

**Secs. 46-1—46-30. Reserved.**

**ARTICLE II. OFFENSES AGAINST  
PUBLIC PEACE AND SAFETY**

**Sec. 46-31. Disorderly conduct.**

(a) No person shall engage in disorderly conduct in the village. A person commits disorderly conduct when he knowingly:

- (1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;
- (2) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it;
- (3) While acting as a collection agency as defined in the "Collection Agency Act," 225 ILCS 425/1 et seq., or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor;
- (4) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the "Abused and Neglected Child Reporting Act," 325 ILCS 5/4;
- (5) Transmits or causes to be transmitted a false report to the department of public health under the Nursing Home Care Act, 210 ILCS 45/1-101 et seq.;
- (6) Transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse," approved September 16, 1984, as amended, 320 ILCS 15/0.01 et seq.;
- (7) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds neces-

sary to believe that transmitting such a report is necessary for the safety and welfare of the public; or

- (8) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.
- (9) Fails 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.
- (10) Engages 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.
- (11) Possesses less than 10 grams of cannabis, as defined in Illinois Cannabis Control Act, 720 ILCS 550/3(a).
- (12) Uses obscene, profane, threatening or inciting language in any public place, which by their very utterance, inflict injury or tend to incite an immediate breach of the peace.

(b) A person who violates any of the provisions of this section shall be punished as provided in section 1-11 of this Code.

(Code 1977, § 43.01; Ord. No. 2002-48, § 1, 5-20-2002)

**Sec. 46-32. Resisting officer.**

No person shall knowingly resist or obstruct the performance by one known to the person to be



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a peace officer or correctional institution employee (as defined in 720 ILCS 5/31-1(b)) of any authorized act within his official capacity.  
(Code 1977, § 43.02)

**State law reference**—Similar provisions, 720 ILCS 5/31-1(a).

**Sec. 46-33. 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 street corner or other public place after being requested to move on by any police officer.

(Code 1977, § 43.05)

**Cross reference**—Streets, sidewalks and other public places, ch. 66.

**Sec. 46-34. 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 six feet above the ground level.

(Code 1977, § 43.12)

**Sec. 46-35. 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.

(Code 1977, § 43.17)

**Sec. 46-36. Alcoholic beverages: possession and consumption.**

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.

(Code 1977, § 43.20)

**Cross reference**—Alcoholic beverages, ch. 6.

**State law reference**—Similar provisions, 20 ILCS 305/9-101.

**Sec. 46-37. Operation of mini bikes and all terrain vehicles.**

(a) *Motorized bikes and all terrain vehicles.* For the purposes of this section every motor vehicle which is self-propelled by an internal combustion engine which is designed with a seat or saddle for the use of the rider and is primarily designed to travel off the paved portion of the roadway, but excluding implements of husbandry, and not subject to be licensed under the statutes of the state shall be considered a minibike or all terrain vehicle.

(b) *Area of operations.* The term "area of operation" as utilized in this section shall mean any area zoned for outdoor recreational purposes C/S1 as is set forth in the zoning ordinances of the village.

(c) *Restrictions.* Operation of motorized bikes or all terrain vehicles is prohibited except in areas zoned for outdoor recreational purposes C/S1. It shall be unlawful for any person to operate a minibike or all terrain vehicle within the village, except in those areas zoned special for their use as an outdoor recreational area as set forth in the village zoning ordinances.

(d) *Penalty.* Any person, firm or corporation found guilty of violating the terms of this section shall be subject to a fine of not less than \$10.00 nor more as provided in section 1-11 for each offense.

(Code 1977, § 43.24)

**Secs. 46-38—46-60. Reserved.**

**ARTICLE III. OFFENSES AGAINST THE PERSON**

**Sec. 46-61. 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.

(Code 1977, § 43.03)

**State law reference**—Similar provisions, 720 ILCS 5/12-1(a).

**Sec. 46-62. 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.

(Code 1977, § 43.04)

**State law reference**—Similar provisions, 720 ILCS 5/12-3.

**Sec. 46-63. Fighting.**

It shall be unlawful for any person to knowingly and without legal justification to start or engage in a fight within the village. A "fight" means any physical altercation between two or more individuals. This section shall not apply to fighting sanctioned by any authorized organization or association regulated by the state.

(Ord. No. 2013-43, § I, 9-9-2013)

**Secs. 46-64—46-90. Reserved.****ARTICLE IV. OFFENSES AGAINST  
PROPERTY****Sec. 46-91. Theft.**

(a) *Defined.* A person commits theft when he knowingly:

- (1) Obtains or exerts unauthorized control over property of the owner;



- (2) Obtains by deception control over property of the owner;
- (3) Obtains by threat control over property of the owner;
- (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; or
- (5) Obtains or exerts control over property in the custody of any law enforcement agency which is explicitly represented to him by any law enforcement officer or any individual acting in behalf of a law enforcement agency as being stolen, and:
  - a. Intends to deprive the owner permanently of the use or benefit of the property;
  - b. Knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or
  - c. Uses, conceals or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(b) *Prohibited.* No person shall commit theft in the village.

(Code 1977, § 43.06)

**State law reference**—Similar provisions, 720 ILCS 5/16-1(a)(1)—(5)(A)—(C).

#### **Sec. 46-92. Criminal damage to property.**

No person shall:

- (1) Knowingly damage any property of another without his consent;
- (2) Recklessly by means of fire or explosive damage property of another;
- (3) Knowingly start a fire on the land of another without his consent;
- (4) Knowingly injure a domestic animal of another without his consent; or
- (5) Knowingly deposit on the land or in the building of another, without his consent,

any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.

(Code 1977, § 43.14)

**State law reference**—Similar provisions, 720 ILCS 5/21-1(a) (f).

#### **Sec. 46-93. Graffiti; prohibition and penalties.**

It is unlawful for any person to inscribe, draw, or otherwise place upon the surface of any structure, street, sidewalk, or wall that is privately or publicly owned, any word, phrase, diagram, symbol, sketch, or letters where the contents thereof are visible to any member of the general public, and contain references to any sexual activity, to any portion of the human anatomy, to gang or criminal activities, to personal relationships, or to defamatory material about public or private persons. Upon a conviction of the provisions of this section, the person shall be subject to punishment as provided in section 1-11. Additionally, a mandatory requirement shall be imposed by any court finding a person guilty of violating the provisions in this section as a condition to any probation or supervision that full and complete restitution be made to the owner of the property for expenses incurred in the removal of the material and the repair of the structure or wall. It shall be an affirmative defense to the alleged violation of this section if such activity was undertaken with the prior consent of the owner of the property, which consent demonstrates that the owner was aware of the content and method of the inscription to be placed on the structure, street, sidewalk, or wall. (Ord. No. 95-48, § 1(43.25), 5-22-1995)

#### **Sec. 46-94. Graffiti removal.**

It shall be the duty of the owner of any street, sidewalk, business, residence, or other structure upon which any graffiti, inscription, or representation is made to remove such graffiti, inscription, or representation, and to otherwise restore the structure, street, or sidewalk to its prior condition within three days of the occurrence of the offense. The owner of the property shall be entitled to restitution and compensation for the direct costs incurred in the repair and restoration of their

property from any person convicted of the prohibited activity upon the submission of receipts evidencing payments of such costs, and provided the court entering the finding or conviction for the offense shall so order. Upon a conviction of the provisions of this section, the person shall be punished as provided in section 1-11. (Ord. No. 95-48, § 1(43.26), 5-22-1995)

**Sec. 46-95. Criminal trespass to real property.**

(a) Whoever:

- (1) Knowingly and without lawful authority enters or remains within or on a building;
- (2) Enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden;
- (3) Remains upon the land of another, after receiving notice from the owner or occupant to depart; or
- (4) Enters upon one of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle), after receiving prior to that entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart:
  - a. Any field that is used for growing crops or which is capable of being used for growing crops;
  - b. An enclosed area containing livestock;
  - c. An orchard; or
  - d. A barn or other agricultural building containing livestock; commits a violation of this section. For purposes of subsection (a)(1) of this section, this section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this section apply to a person who enters a public

building under the reasonable belief that the building is still open to the public.

(b) A person has received notice from the owner or occupant within the meaning of subsection (a) of this section if he has been notified personally, either orally or in writing including a valid court order as defined by 725 ILCS 5/112A-3(7) granting the remedy provided in 725 ILCS 5/112A-14(b)(2), or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(c) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on such land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his agent, nor to anyone invited by such migrant worker or other person so living on such land to visit him at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this section if he beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate:

- (1) In which the taxes have not been paid for a period of at least two years; and
- (2) Which has been left unoccupied and abandoned for a period of at least one year;

and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection (d) of this section.

(f) This section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection, "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(g) Any person violating any provision of this section relating to criminal trespass to land shall, upon conviction, be subject to a fine not less than \$5.00 nor more than as provided in section 1-11. (Code 1977, § 43.22)

**Secs. 46-96—46-120. Reserved.**

#### **ARTICLE V. OFFENSES AGAINST MORALS**

##### **Sec. 46-121. Keeping a place of prostitution.**

No person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution, shall perform any of the following acts, which shall constitute keeping a place of prostitution:

- (1) Knowingly grant or permit the use of such place for the purpose of prostitution;
- (2) Grant or permit the use of such place under circumstances from which he could reasonably know that the place is used or is to be used for purposes of prostitution; or
- (3) Permit the continued use of a place after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.

(Code 1977, § 43.18)

**State law reference**—Similar provisions, 720 ILCS 5/11-17.

##### **Sec. 46-122. Obscenity.**

(a) *Elements of the offense.* A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (1) Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene;
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;
- (3) Publishes, exhibits or otherwise makes available anything obscene;
- (4) Performs an obscene act or otherwise presents an obscene exhibition of his body for gain;
- (5) Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this section, or of the penal laws or regulations of any other jurisdiction; or
- (6) Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(b) *Obscene defined.* Any material or performance is obscene if:

- (1) The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest;
- (2) The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) Taken as a whole, it lacks serious literary, artistic, political or scientific value.



(c) *Interpretation of evidence.* Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience. Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value. In any prosecution for an offense under this section evidence shall be admissible to show:

- (1) The character of the audience for which the material was designed or to which it was directed;
- (2) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) The artistic, literary, scientific, educational or other merits of the material, or absence thereof;
- (4) The degree, if any, of public acceptance of the material in this state;
- (5) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
- (6) Purpose of the author, creator, publisher or disseminator.

(d) *Prima facie evidence.* The creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three copies of obscene material shall be prima facie evidence of an intent to disseminate.

(e) *Affirmative defenses.* It shall be an affirmative defense to obscenity that the dissemination:

- (1) Was not for gain and was made to personal associates other than children under 18 years of age;

- (2) Was to institutions or individuals having scientific or other special justification for possession of such material.

(Code 1977, § 43.19)

**State law reference**—Similar provisions, 720 ILCS 5/11-20(a) (c), (e),(f).

**Secs. 46-123—46-150. Reserved.**

## ARTICLE VI. NUISANCES AND PROPERTY ENHANCEMENT\*

### Sec. 46-151. Definitions.

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

*Animal* means any types of animals, both domesticated and wild, male, female or neutered, singular and plural.

*Campgrounds* mean where overnight, weekly or monthly occupation of land by mobile homes or recreational vehicles or tents may be made.

*Deteriorated or deterioration* means a lowering in quality of the condition or appearance of a building, structure or premises, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or any other evidence of physical decay, neglect, damage or lack of maintenance.

*Director* means the director of the community development department or his/her designee.

*Dumping ground* means any area that is used for the storing, leaving, or abandoning of refuse, garbage, waste, earth, rock or debris, including construction, agricultural, landscape, residential, commercial and industrial solid waste.

*Improved area* means an area having a surface of asphalt, concrete, crushed rock, gravel, or masonry, maintained free of all vegetation and contained within a permanent curb or border, con-

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\***Editor's note**—Ord. 2003-07, § 1, adopted Feb. 17, 2003, repealed art. VI, §§ 46-151—46-157, in its entirety. Section 3 of said ordinance enacted new provisions to read as herein set out. Prior to amendment, art. VI pertained to nuisances and derived from Code 1977, §§ 12.02—12.07; and Ord. No. 97-60, § 1, adopted May 19, 1997.



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structed of asphalt, concrete, masonry, metal, wood or other approved permanent material secured to or embedded in the ground, delineating the improved area from the remainder of the yard area.

*Inoperable vehicle* means a vehicle which, for a period of at least seven (7) consecutive days, the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. However, nothing in this subsection shall apply to any motor vehicle that is kept within a building when not in use or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. "Inoperable motor vehicle" shall not include a motor vehicle that has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

*Junkyard* means a place used for the storage, keeping or abandonment of junk, stripped, substantially damaged, discarded or dismantled vehicles or machinery, or parts thereof, scrap metals, rags or other scrap materials; including places used for the wrecking, disassembling, repair or rebuilding of vehicles or machinery of any kind. The term junk as used in this definition does not include ongoing restoration projects.

*Mobile home* means a structure designed for permanent habitation, and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent home or for office purposes, mounted upon wheels, or any other device upon which it may readily be transported, and designed to permit the occupancy thereof as a dwelling place for one or more persons. Even if structure rests on a permanent foundation, with wheels, tongue, hitch and axle or lug bolts permanently removed, it shall be construed as a mobile home. A mobile home may be with or without mechanical power.

*Mobile home park* means any plot of ground where mobile homes are invited or allowed to be located regardless of whether or not any charge is made for the use of such plot of ground.

*Ongoing restoration project* means a project involving a single vehicle or machinery that is kept in a clean and neat condition during the term of active repair and rebuilding.

*Parking lot* means any plot of ground used for temporary storage of automobiles.

*Person* means and includes any person, firm, association, organization, partnership, business trust, corporation, company or other entity.

*Public nuisance* means a thing, act, occupation, condition or use of property which shall continue for such length of time as to substantially annoy, injure or endanger the comfort, health, repose or safety of the public; in any way render the public insecure in life or in the use of property; greatly offend the public morals or decency; 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. This definition is in addition to, and not a limitation upon, the definition of "public nuisance" as provided by common law, statutory law and lawful municipal declaration of public nuisance.

*Recreational vehicle* means any unit designed primarily for living or sleeping purposes, equipped with wheels, or placed upon a wheeled device for the purpose of transporting from place to place. This term shall include, but not be limited to, camping trailers, campers, mobile homes, tent trailers, motor coaches, tent campers, and shall also include those wheeled devices upon which they are placed.

*Roof panel* means a distinct plane of the roof of a building.

*Slum-like* means a building, structure or premises characterized by deterioration or other similar conditions regardless of the condition of other properties in the neighborhood.

*Street or highway* means any recognized thoroughfare in the village including the entire width between the boundary lines of every right-of-way publicly owned or maintained when any part thereof is open to the use of the public for the

purpose of vehicular or pedestrian travel. "Thoroughfare" as used herein shall include municipal sidewalks, trails and pathways.

*Tourist camp* means any plot of ground where cabins are constructed and tourists are invited or allowed to be located regardless of whether or not any charge is made for the use of the same.

*Towing unit* means any vehicle furnishing tractive effort for a mobile home.

*Vehicle* means a machine propelled by power other than human power designed to travel along the ground, water or air to transport persons, property or machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, boat, aircraft, all-terrain vehicles, go-karts, motocross cycles, sand rails, snowmobiles, and dune buggies.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Cross references**—Definitions generally, § 1-2; traffic and vehicles, ch. 78.

#### **Sec. 46-152. Purpose and scope.**

(a) The purpose of this chapter is to promote the health, safety, and welfare of Gurnee and its residents, and to protect neighborhoods against physical, visual and economic deterioration. To that end, the village intends by this chapter to prohibit nuisances that:

- (1) Contribute to or cause injury or endangerment to the health, safety or welfare of others;
- (2) Are contrary to community standards of decency;
- (3) Are offensive to the senses;
- (4) Unlawfully interfere with, obstruct or tend to obstruct or render dangerous the free passage or use, in the customary manner, of any stream, public park, parkway, square, sidewalk, thoroughfare, street or highway in the village;
- (5) Obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by the public; or

- (6) Damage or contribute to the deterioration of property or improvements in the community.

(Ord. No. 2003-07, § 3, 2-17-2003)

#### **Sec. 46-153. Enumerated violations.**

(a) It shall be unlawful, and a violation of this Code, for any person, whether as owner, lessee, tenant, occupant or otherwise, to commit, or maintain a nuisance or willfully omit to perform any legal duty relating to the removal of a nuisance.

(b) A nuisance includes any one or more of the following conditions:

- (1) Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, building material or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent, or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health department or this Code or any other ordinance of the village;
- (2) Exterior areas used or maintained as junkyards or dumping grounds, except:
  - a. Any automobile wrecking yard or other junkyard where the same are permitted by the village zoning regulations and are operating in conformity with all applicable regulations;
- (3) Any inoperable or unregistered vehicle, or parts thereof, outside of or under a roof area not enclosed by walls, doors or windows of any building on any lot, except the safe and neat keeping of:
  - a. Substantially complete inoperable or unregistered vehicles with inflated tires under the roof area of any enclosed building;

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- b. A vehicle undergoing repair, titled to the owner or resident of the property, provided that the repair is complete within 21 days after the repair was begun, provided that not more than two such 21 day repairs will be permitted in any 12 month period;
  - c. Not more than two ongoing restoration projects of inoperable or unregistered vehicles in a backyard area, screened from view at ground level by a substantially opaque fence at a minimum height of five feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the village Code and zoning ordinance;
  - d. Lawful commercial activities involving vehicles as allowed by the zoning ordinance and operating in conformity therewith; or
  - e. Operable, off-road vehicles, under the roof area of any enclosed building, or in a backyard area, screened by a substantially opaque fence at a minimum height of five feet or the height of the vehicles, whichever is more, provided that any fence constructed or modified pursuant to this subsection must meet any and all other requirements of the village Code and zoning ordinance. The community development department of the village shall notify the property owner and/or owner of any inoperable or abandoned motor vehicle in writing that such vehicle has been determined to be a public nuisance and must be removed and/or disposed of within seven days after receipt of such notice. In the event such vehicle is not removed or disposed of within such time, the community development department is authorized hereby to obtain a court order to remove or to cause the removal of such vehicle or parts thereof and the owner shall be responsible for any costs incurred in connection therewith. Nothing in this section shall prohibit the owner of the vehicle from authorizing the village to remove the vehicle.
- (4) To leave or permit to remain outside of any single-family or multifamily dwelling or accessory building any camper, vehicle, or part thereof in any portion of the front or side area of the building visible from the street that is not on an improved surface. As used herein the term "improved surface" shall mean a surface ground condition which is constructed of gravel, pavers, concrete or asphalt. (Cross reference: zoning ordinance 99-143, as amended, recreational vehicle parking)
  - (5) The storing or leaving of any machinery or equipment designed for or used by contractors or builders for commercial purposes, except where permitted by the village building and zoning regulations;
  - (6) Excessive animal waste that is not securely protected from insects and the elements, or that is kept or handled in violation of this Code or any other ordinance of the village or the county;
  - (7) Any object, building, tree, bush or vehicle that interferes with, obstructs, tends to obstruct, or renders dangerous the free passage, use or vision in the customary manner of any sidewalk, thoroughfare, street, or highway in the village;
  - (8) Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than eight inches; or any dead trees, bushes, shrubs or portions thereof;
  - (9) Any dangerous, deteriorated, abandoned, partially destroyed or unfinished building, addition, appendage or other structure, or any building in violation of the

uniform building code as adopted by the village, and any vacated or abandoned building not securely closed at all times; any wood, metal or other material used for securing a vacated or abandoned building must be made compatible with the color of the building within 30 days of installation;

For any person, or persons, to keep, operate, maintain, or to permit to remain upon any premises owned, used, leased, occupied or controlled by him, her, it or them, any dangerous building or other structure as hereinafter defined. A dangerous building is hereby defined for the purposes of this section to be any building or structure which shall have any one or more of the following characteristics or defects:

- a. Those in which interior walls or vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- b. Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members of 50 percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- c. Those, which have improperly distributed loads upon the floors or roofs or on which, the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- d. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the village public.
- e. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to healthful living that they are unfit for

human habitation, or are likely to cause sickness or disease so as to risk injury to health, safety or general welfare of those living therein or of persons entering such structures.

- f. Those having light, ventilation and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human being who occupy or may occupy such structures.
  - g. Those having inadequate facilities for egress in case of fire, panic or other circumstances requiring emergency egress, or those having insufficient stairways, elevators or fire escapes, as provided by the building code of the village now and hereinafter in effect.
  - h. Those which are subject to risk of collapse or fall or parts of which are so attached that a part may fall and cause injury to persons or property.
  - i. Those which because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this village.
  - j. Those buildings constructed, reconstructed or altered in violation of any provision of the building, mechanical, plumbing or electrical code or any other ordinance of this village.
- (10) Any putrid, unsound or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal, butcher's trimmings and offal, or any waste vegetable or animal matter in any quantity, garbage, human excreta, sewage or other offensive substances; provided, that nothing contained in this subsection shall prevent the temporary retention of waste in receptacles in the manner approved by the health officer of the county or this Code or any other ordinance of the village;



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- (11) The erection, continuance or use of any building, room or other place in the village that, by noxious exhalations, including but not limited to smoke, soot, dust, fumes or other gases, offensive odors or other annoyances, is discomforting or offensive or detrimental to the health of individuals or of the public;
- (12) Any unguarded or abandoned excavation, pit, well or hole that constitutes a threat to public health, safety or welfare; or any well, cellar, pit or other excavation of more than two (2) feet in depth, on any unenclosed lot, without adequate curbing or covering which will provide protection from falling into such unguarded or abandoned excavation, pit, well or hole;
- (13) Abandoned, used or unused, discarded or stored icebox, refrigerator, freezer, appliance or other containers having a door with a latch or lock that can not be opened from the inside or any structure or building of any nature that is not regularly occupied or is abandoned and in such a physical condition that any person or child could enter and may not reasonably be expected to remove themselves therefrom or it may reasonably be expected that such person or child could be injured thereon;
- (14) Any wall or fence that is missing blocks, boards or other material, or is otherwise deteriorated so as to constitute a hazard to persons or property;
- (15) Any swimming pool areas that are not enclosed as required by the village zoning ordinance; or any swimming pool, architectural pool or spa that creates a health hazard, harbors insect and/or vegetation infestation or presents such a deteriorated appearance that it adversely affects the property values of surrounding properties;
- (16) Making, causing or permitting to be made any noise, vibration, or artificial illumination of such intensity as to interfere substantially and unnecessarily with the use and enjoyment of public or private property by the public, or as to constitute a hazard or threat to the public health, safety or welfare of the people of the village;
- (17) Willfully or negligently permitting or causing the escape or flow of water into the public right-of-way in such quantity, which, in the reasonable engineering opinion of the village engineer, may or does cause flooding or ice hazards, may or does impede vehicular or pedestrian traffic, may or does create a hazardous condition for such traffic, may or does cause damage to the public streets or alleys of the village through the failure or neglect to design, operate or maintain properly any water facility or device, including, but not limited to, swimming pools, architectural pools, spas, sprinklers, hoses, pipes, ditches, standpipes, berms, valves or gates;
- (18) The keeping or harboring of any dog or other animal that by frequent or habitual howling, yelping, barking, crowing or the making of other noises, annoys or disturbs a neighborhood or any number of persons;
- (19) To pollute or render unwholesome or impure the water of any spring, stream, well or pond, or to drain onto or cause water or sewage to flow over or onto the land or premises of another, or public grounds, other than through a regular water course or sewer constructed in the manner provided by the regulations or ordinances adopted by the village;
- (20) The use of any blower, fan, pump, engine, or motor in connection therewith (including but not limited to compression devices and pool filter systems) of a penetrating or continuous nature that disturbs the comfort or repose of persons residing in the vicinity;
- (21) The disposal, dumping or placing of grass or lawn clippings, leaves, shrub and tree pruning or debris and other yard waste or debris on neighboring or adjacent prop-

erty owned by another without the consent or permission of such neighboring or adjacent property owner;

- (22) To keep or suffer to be kept any wild animal or reptile which by reason of its size, habit, direct poisonous character, emission of odorous or noxious substances, ferocity, dangerous propensities or otherwise is dangerous or hazardous to the public health, safety or welfare, or otherwise constitutes a nuisance. It is no defense to a prosecution for a violation of this section that the keeper of any animal or reptile, the keeping of which is prohibited by the previous sentence, has attempted, successfully or otherwise, to domesticate such animal or reptile;
- (23) All stagnant water in which mosquitoes, flies or other insects can multiply.
- (24) Garbage cans and/or dumpsters which are not covered;
- (25) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, gambling or the unlawful use or unlawful sale of controlled substances;
- (26) All gambling devices and slot machines which are held, stored or used in violation of the State of Illinois' gaming laws, excluding the state lottery;
- (27) All use of display of fireworks except as permitted by the laws of the State of Illinois and ordinances of the village; or
- (28) All wires over streets, alleys or public grounds that are strung less than fifteen (15) feet above the surface of the street or ground.

(c) Nothing in subsections (1) through (5) of this section shall be deemed to apply to safe and neat outdoor accessory storage, use or repair of items customarily associated with the lawful use of such property in the village, screened by a substantially opaque fence at a minimum height of five feet or the height of the storage, use or repair, whichever is more, provided that any fence

constructed or modified pursuant to this subsection must meet any and all other requirements of the village Code.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-154. Mobile home/recreational vehicle habitation and maintenance.**

(a) *Habitation and maintenance.*

- (1) It shall be unlawful for any person to maintain a mobile home in the village, except as herein specifically permitted.
- (2) Removal of the wheels or other transporting device, except the temporary detachment of a towing unit, from any mobile home shall be construed as converting the same into a permanent structure subject to all requirements of the Gurnee Building Code, plumbing code and zoning ordinance.
- (3) Except as to the occasional or temporary visitor, guest or recreational use, the living or residing in any motor home, tent, trailer, camper or other vehicle that is not a permanent residential structure or housing unit anywhere within the village, except in designated and approved camping or trailer parks with necessary water, sanitary facilities and electrical connections. For purposes of this section, the occasional or temporary visitor shall mean a non-resident family member or guest who has an established residence elsewhere who is visiting for not more than 30 days in a 12 month period; provided, if the visitor intends a longer than 30 day visit, the owner and visitor may apply for one 30 day extension with the community development department, and the one 30 day extension may be granted where the visitor satisfactorily demonstrates that the motor home, tent, trailer, camper or other vehicle is not being used as a permanent residence.
- (4) A mobile home may be parked or stored in the village regardless of the other provisions of this section so long as it is not used for living or sleeping purposes during such time it is so stored or parked, and

provided moreover that it shall not be a nuisance and does not constitute a fire hazard.

- (5) It shall be unlawful for transients to park their mobile homes on the streets of the village for a period of time not to exceed one hour, unless an emergency requires that they be parked for a greater length of time.
- (6) It shall be unlawful hereafter to establish mobile home parks or tourist camps, as defined above in the village.
- (7) It shall be the duty of either the owner of the property on which a bona fide guest with a mobile home is located or the owner of the mobile home to register with the director of community development of the village within 24 hours after such mobile home is parked on the said property. No charge shall be made for their permit or for an extension of time permit.
- (8) Mobile homes that are permitted in the village shall be open to inspection by the director of community development or his/her designee at all reasonable times and the county health department.
- (9) It shall be the duty of the director of community development or his/her designee to enforce the provisions of this section.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-155. Placing on property vehicles, boats and trailers which are for sale.**

(a) It is the purpose of this section to eliminate and minimize the risk to vehicles and pedestrian traffic and to the public in general where vehicles, boats, trailers or other recreational vehicles or equipment are placed on private or public property along the streets and arterials for sale. The following is determined to be a nuisance:

- (1) The placing or parking along street and road rights-of-way or in direct and plain view thereof of any vehicle, licensed or unlicensed, boat, trailer, motor home, mobilized equipment or machinery, recreational vehicle and equipment placed or

parked on property that is owned by someone other than the owner of the vehicle, licensed or unlicensed, boat, trailer, motor home, mobilized equipment or machinery, recreational vehicle and equipment for the purpose of selling the same. The placing or parking of any vehicle, licensed or unlicensed, boat, trailer, motor home, mobilized equipment or machinery, recreational vehicle and equipment on property owned by another includes business and commercial property so long as the business is not lawfully engaged in selling the particular vehicle, licensed or unlicensed, boat, trailer, motor home, mobilized equipment or machinery, recreational vehicle and equipment.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-156. Other enumerated violations.**

(a) It shall be unlawful and a violation of this Code for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit to remain on any of the below-described premises any of the following:

- (1) In a residential district, any trailer that was designed or is used for any commercial purpose in excess of 21 feet in length;
- (2) For any single-family or multifamily dwelling or accessory building:
  - a. Any wood surfaces unprotected from the elements by paint or other protective treatment, except those naturally resistant to decay;
  - b. Chipping or peeling paint in excess of 25 percent of any surface area visible from public property;
  - c. Broken, rotted, split, curled or missing roofing material of at least 25 square feet and in excess of 25 percent of any roof panel; or
  - d. Replacement materials and paint used to repair or repaint exterior surfaces of a building unless they shall be visually compatible with the remainder of the materials and paint on the exterior of the structure.



- (3) Outside of any dwelling or building, any required address numbers which are not mounted in a permanent and stationary manner, or are obstructed from view from the street or other public access areas by trees, shrubs, or anything that would tend to hide or obscure the numbers, or are not visible at all times from public access areas to the dwelling or building.

(Ord. No. 2003-07, § 3, 2-17-2003; Ord. No. 2008-95, § I, 12-1-2008)

**Sec. 46-157. Regulations not exclusive as to subject matter.**

The findings, regulations and declarations of this chapter are in addition to, and not a limitation upon, all other applicable codes, regulations, ordinances and statutes now or hereafter in effect within the village. Where there is a conflict between a provision of this chapter and a provision of any other code, regulation, ordinance or statute now or hereafter in effect within the village, then the most restrictive and appropriate provision shall apply and enforcement thereof may be sought accordingly

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-158. Commencement of action, citation, contents.**

(a) The community development department is assigned the primary responsibility of enforcing this chapter and is granted the authority expressly and implicitly needed and necessary for enforcement.

(b) Nothing in this section shall preclude employees of the community development department from seeking voluntary compliance with the provisions of this chapter or from enforcing this chapter, proactively or reactively, through warnings, notices to comply, or other such devices designed to achieve compliance in the most efficient and effective manner under the circumstances. Any person who neglects, fails or refuses to correct the violations contained within a notice to comply or other similar device issued pursuant to this chapter may be assessed a reinspection fee for inspections which occur after the compliance date. The fee for these reinspections shall be set

by resolution of the village board. Failure to pay reinspection fees within 14 days of assessment is a violation of this section. Delinquent reinspection fees shall be a lien against the real property where the violation occurred. Liens shall be filed in the office of the recorder of deeds in a form which describes the real property and the reason for the lien. The director of finance shall develop a recordable lien form for the purposes of this section.

(c) Except as provided in section 46-166, the director is authorized to commence a civil action under this chapter by issuing a citation to the occupant of the property where the violation has occurred, the owner of record, or any person responsible for the violation.

(d) The citation form will be established by the director and shall direct the defendant to appear in branch court or, to settle the matter, pay the charges and expenses pursuant to section 46-169 within 14 days after issuance of the citation. The form shall contain a schedule of fines and penalties that are imposed by this chapter and approved by resolution of the village board.

(e) The citation shall be served by delivery of a copy of the defendant by any of the following means:

- (1) By service upon the defendant by the director or his designee;
- (2) By first class mail, postage prepaid, addressed to the defendant at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail;
- (3) By posting the citation on the property where the violation has occurred; or
- (4) By any of the methods for service of court process described in the Illinois Code of Civil Procedure.

(f) The citation shall contain the date and location of the violation, reference to the Gurnee Municipal Code provision or ordinance violated, and notices that within 14 days from the date on

which the citation was issued, the fine for the violation must be paid to and received by the village or to appear in branch court.

(g) The citation shall state that if the defendant fails to appear in court at the time specified, or pay the fine for the violation, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged.

(h) The citation and its service upon the violator shall comply in all respects with applicable court rules for ordinance violation citations. (Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-159. Appearance or payment by mail.**

(a) The defendant shall, at the time specified on the citation, appear in the designated court in person or through his/her/its attorney and enter his/her/its plea according to the rules of court. The court proceedings shall thereafter be pursuant to the rules of court.

(b) The defendant may admit the allegations in the citation and pay the fine indicated by timely mailing the citation to the village hall, together with payment for the amount of the fine and, if paid by check, made payable to the village. Appearance by mail will be deemed complete by the postmarked date on the mailing provided the rules of court pertaining to appearance for trial on the citation are followed. (Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-160. Default judgment.**

If the defendant fails to appear as directed on the citation, the court, upon request of the village prosecutor or director of community development, may enter a default judgment for the amount of the fine indicated for the violation charged, or such higher fine as the prosecutor may request. Nothing herein shall be construed to prevent the prosecutor from requesting that the court enter such other or further relief as may be lawfully available. If a defendant fails to appear at a hearing, the court may enter judgment against the non-appearing defendant for the amount of the appropriate fine. (Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-161. Civil fines and penalties imposed.**

(a) The civil fine for a violation of any provision of this chapter shall be an amount not to exceed \$750.00 per offense.

(b) In the event the violator fails or refuses to appear in court on the day assigned, and a default judgment is to be entered, the prosecutor shall request such additional fines and further relief as may be appropriate under the circumstances.

(c) The court may enter judgment for delinquent fines, fees, reinspection fees, and penalties as may be provided by law. In addition, any judgment for an amount certain imposed pursuant to this Code shall constitute a lien against the real property of the owner of the property where the violation occurred. The lien may be perfected by recording a duly executed memorandum of judgment village with the office of the Lake County Recorder of Deeds. Any judgment for civil penalty pursuant to this Code may be collected as any other civil judgment. (Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-162. Rules of procedure and appeal.**

The Illinois Code of Civil Procedure and Supreme Court Rules in ordinance violation cases shall be followed for citations or complaints issued pursuant to this chapter. (Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-163. Each day separate violations.**

Each day that a violation of a provision of this chapter continues to be violated shall constitute a separate offense. (Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-164. Reserved.**

**Sec. 46-165. Unenumerated violations.**

(a) Notwithstanding any other provisions of this chapter, a person who commits a nuisance or willfully omits to perform any legal duty relating to the removal of a nuisance not specifically described herein, but otherwise provided for within the scope of authority to regulate nuisances as

granted to the village by state law, shall nonetheless be in violation of this chapter, provided the following conditions are satisfied:

- (1) The violation must pose a present hazard to public health, safety or welfare;
- (2) The director of community development or his/her designee must submit a report of the violation to the village prosecutor for review. The report shall contain a detailed description of the violation and explain why the violation does not come within the provisions of this chapter; and
- (3) The village prosecutor shall seek enforcement against, and /or abatement of the violation pursuant to the enforcement and/or abatement provisions of this chapter. Provided, however, before any civil action is commenced under this paragraph, the prosecutor shall obtain direction from the village administrator to take such action.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-166. Nuisance abatement and injunction.**

In addition to or in lieu of filing a civil citation or criminal complaint, the director of community development or his/her designee may declare any property an abatable public nuisance, and file a notice to abate or obtain injunctive relief against such nuisance. An abatable public nuisance consists of, but is not limited to, any of the violations described in section 46-153.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-167. Notice to abate or enjoin.**

The notice to abate or enjoin shall be delivered in person or sent by certified mail, return receipt requested, from the director of community development or his/her designee to the person, manager, agent or employee, owner, occupant or lessee of the property to be abated, at his last known address or the address to which the tax bill for the property was last mailed. The notice shall contain the address or property identification number identifying the location of the violation, a statement of the violation, a statement that the person, manager, agent or employee, owner or lessee

of the property has 30 days to abate or correct the violation, and the cost of such removal to the village if the violation is not abated within 30 days. The director may record the notice in the office of the county recorder. If the notice is recorded and compliance with the notice is subsequently satisfied, the director shall record a release of the notice. If the person, manager, agent or employee, owner, occupant or lessee of the property containing the nuisance to be abated cannot be located, such notice of abatement shall be posted upon the buildings, lots or grounds to be abated and shall be clearly legible and in a conspicuous place and shall be published at least two times in a newspaper of general circulation throughout the village, such publications to occur at least seven days apart. The effective date of the notice of abatement shall be the date received if delivered in person, or sent by certified mail, or the date the property is posted or the date of first publication if the alternate method of service is used. Should multiple methods of issuing the notice to abate be utilized, the first method completed shall be sufficient to comply with the provisions of this paragraph.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-168. Abatement by village upon failure of owner.**

Upon the failure to abate by the person upon who[m] notice to abate a nuisance was served pursuant to the provisions of this chapter, the director of community development or his/her designee shall proceed to abate such nuisance and shall prepare a statement of costs incurred or to be incurred in the abatement thereof.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-169. Emergency abatement by the village.**

When, in the opinion of the director of community development or his/her designee there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the director of community development or his/her designee is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The director of community development

or his/her designee shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-170. Abatement by village; expense statement.**

(a) When any person, owner, operator, or occupant or lessee of any building, grounds or premises within the village, neglects, fails or refuses to abate such public nuisance for more than 30 days from the effective date of the notice to abate, the village board may authorize the director to abate such public nuisance at the expense of such person, owner, occupant or lessee. All persons, regardless of their legal relationship to the property on which a nuisance exists, who have caused, suffered, allowed, permitted or maintained a nuisance, shall be jointly and severally liable for all fines penalties, fees and costs associated with the abatement of the nuisance.

(b) The director or his authorized representative, when so directed by the village board to abate such public nuisance, shall prepare a verified statement and account of all the expenses incurred by the village or occasioned by or incidental to such abatement and file such verified statement and account with the director of community development or his/her designee of the village. The verified statement shall include an administration charge as set by the village board by motion or resolution (Appendix A) with the cost of recording liens and releases thereof. The administration charge and cost of recording liens and releases shall be collected whether or not the village abates the public nuisance.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-171. Assessment of village abatement costs.**

After the filing of the verified statement and account as set forth in section 46-170, the director shall prepare duplicate copies of a notice of lien and record one copy with the office of the county recorder, and within ten days thereafter serve by certified mail the remaining copy of such notice of

lien upon the person, owner, operator or occupant of the buildings, grounds or premises. If the owner, operator or occupant of the property to be liened cannot be located, a copy of the notice of lien shall be posted upon the buildings, lots or grounds affected thereby and be clearly legible and in a conspicuous place and shall be the date received if sent by certified mail. From and after the date of recording such notice of lien with the county recorder, all expenses incurred in connection with or incidental to such abatement and as fixed and determined by such verified statement and account are hereby declared as a lien upon such buildings, grounds and premises and shall be charged and assessed upon and against such buildings, grounds and premises and village may be collected in any manner allowed by law, including, but not limited to, collection procedures under village improvement district assessments. The recorded lien shall bear interest at the legal rate for judgments in the State of Illinois from the date that the lien is recorded until it is paid in full.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-172. Fines; continued violations.**

(a) Violations of any provision within this chapter are punishable by maximum fine of \$750.00 for each occurrence, notwithstanding any other remedy provided in this chapter.

(b) Each day that a violation continues to exist shall be deemed a separate violation.

(Ord. No. 2003-07, § 3, 2-17-2003)

**Sec. 46-173. Village's costs declared lien; collection as taxes.**

(a) Any and all costs incurred by the village in the abatement of a nuisance under the provisions of this chapter, or any fines levied hereunder, shall constitute a lien against the property upon which such nuisance existed, and a notice of lien shall be recorded with the office of the Lake County Recorder of Deeds pursuant to, and in a form and content consistent with the provisions of this chapter.

(b) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such lien by first class mail at the address



shown on the records. Such remedy on behalf of the village shall not be exclusive, and all other remedies at law or in equity shall be concurrently available to the village for enforcement of such lien or recovery of the expenses incurred.

**Sec. 46-174. Possession and use of tobacco products by individuals under the age of 18.**

(a) *Purpose.* The enactment of this section directly pertains to and is in furtherance of the health, welfare and safety of the residents of the village, particularly those residents and guests under the age of 18.

(b) *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:

*Tobacco products* means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

*Vending machine* means any mechanical, device, electric or electronic self-service device which, upon insertion of money, token or any other form of payment, dispenses tobacco products.

(c) *Prohibited sales; delivery.* It shall be unlawful for any person, including any retailer, to sell, offer for sale, give away, or deliver tobacco products to any person under the age of 18 years.

(d) *Signs.* Signs informing the public of the age restrictions provided for in this section shall be posted adjacent to or on any display, machine or other like conveyance which offers tobacco products for sale. Each such sign shall be plainly visible and shall state: "The sale to or possession of tobacco products by persons under 18 years of age is prohibited by village law." The text of such signs shall be in red letters on a white background, such letters to be at least one inch high.

(e) *Vending machines; locking device.* It shall be unlawful for any retailer 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 licensee so as to prevent its operation by persons under the age of 18 years.

(1) *Purchase by minors prohibited.* It shall be unlawful for any person under the age of 18 years to purchase tobacco products, or to misrepresent his identity or age, or to use any false or altered identification for the purchase of purchasing tobacco products.

(2) *Possession by minors.* It shall be unlawful for any minor (under the age of 18 years) to possess any tobacco product within the corporate limits of the village, provided however, that the possession of any tobacco product by any minor under the direct supervision of a parent or guardian of any such minor in the privacy of such parent's or guardian's home shall not be unlawful.

(3) *Penalties.*

a. Any person violating any provisions of subsections (c), (d) and (e) of this section shall be fined not less than \$50.00 and not more than as provided in section 1-11 of this Code for each offense, and every day on which a violation occurs or continues shall be considered a separate and distinct offense.

b. Any person violating sections (f) and (g) of this section shall be fined not less than \$50.00 and not more than as provided in section 1-11 of this Code for each subsequent offense. Fines may be waived if the defendant provides a copy of enrollment in a recognized tobacco treatment program.

(Ord. No. 96-133, § 1(12.08), 11-18-1996; Ord. No. 2003-07, § 1, 2-17-2003)

**Editor's note**—Ord. No. 2003-07, § 1, adopted Feb. 17, 2003, renumbered § 46-158 as § 46-173. In order to keep the numbering system consistent § 46-173 was changed to 46-174, at the discretion of the editor.

**Secs. 46-175-46-180. Reserved.**

## ARTICLE VII. WEAPONS

### Sec. 46-181. Unlawful use of weapons.

No person shall knowingly:

- (1) Sell, manufacture, purchase, possess or carry any bludgeon, blackjack, slung-shot, sand-club, sand-bag, metal knuckles, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas;
- (2) Carry or possess with intent to use the following unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character;
- (3) Carry on or about his person or in any vehicle, a tear gas gun, projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a nonlethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older;
- (4) Set a spring gun;
- (5) Carry or possess any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted;
- (6) Sell, manufacture or purchase any explosive bullet. For purposes of subsection (1) of this section, "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an

explosive charge which will explode upon contact with the flesh of a human or an animal. The term "cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(Code 1977, §§ 43.07, 43.08)

**State law reference**—Similar provisions, 720 ILCS 5/24-1.

### Sec. 46-182. Firearms.

(a) *Discharging prohibited.* No person shall discharge any firearm or airgun or do any hunting in the village. This section shall not apply to peace officers in the line of duty, or any person acting in self-defense.

(b) *Child access prevention.* It is declared unlawful for any person to store or leave, within premises under his control, a firearm if the person knows or has reason to believe that a minor under the age of 18 years who does not have a firearm owners identification card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, unless the firearm is:

- (1) Secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable;
- (2) Placed in a securely locked box or container; or
- (3) Placed in some other location that a reasonable person would believe to be secure from a minor under the age of 18 years.

(c) *Exceptions.* Subsection (b) of this section does not apply:

- (1) If the minor under 18 years of age gains access to a firearm and uses it in a lawful act of self-defense or defense of another; or
- (2) To any firearm obtained by a minor under the age of 18 years because of an unlawful entry of the premises by the minor or another person.

(d) *Transfer and sale.* All firearms sold or transferred within the village after September 1, 1999, must have a trigger lock installed in its locked position to prevent the trigger from engaging.

(e) *Public awareness.* All Federal Firearms Licensees (FFL) within the village limits must conspicuously place a notice that draws public attention to the ordinance from which this section is derived and its provisions after September 1, 1999.

(f) *Definitions.* For the purposes of this section, the term "firearm" has the same meaning as the Illinois Firearm Owners Identification Card Act. The term "trigger lock" is defined as any operable device which must be unlocked or disengaged in order to shoot a firearm.

(g) *Penalty.* Any person convicted of violating the provisions of this section shall be punished by a fine of not less than \$100.00 nor more than \$1,000.00 per offense.  
(Code 1977, § 43.09; Ord. No. 99-75, § 1, 6-21-1999)

**Secs. 46-183—46-210. Reserved.**

**ARTICLE VIII. NOISE**

**Sec. 46-211. Creating excessive noise prohibited.**

No person shall disturb the peace and quiet of any other person by creating excessive noise on his or any property. Excessive noise shall include but not by way of limitation any of the following:

- (1) Loud playing of phonographs, radios, television sets, or music machines, or musical instruments.
- (2) Barking or howling dogs or cats.
- (3) Vehicles without mufflers, or the unnecessary use of horns on vehicles.

(Code 1977, § 43.13)

**Sec. 46-212. Construction hours and activities.**

It shall be unlawful for any person to engage in the excavation, construction, demolition, alteration or repair of any building, street, walk, sewer, utility line, or to engage in any other construction activities related or incidental thereto, other than between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and 9:00 a.m. and 5:00 p.m. on Sundays. It shall also be unlawful to make, continue or cause any construction noise associated with construction activities during prohibited hours, including without limitation: noise attributed to workers arriving on the job (i.e. shouting, loud talking); vehicular noise; the playing of radios or other music; assembling, moving or stacking of construction materials; deliveries; or other site-related construction noise. If unusual circumstances exist that would cause extreme hardship, the village administrator or designee may issue a temporary written exception to the construction hours set forth herein provided: there has been a written request submitted therefor; and reasonable conditions can be imposed to minimize any adverse effects to neighboring or nearby property owners. Further, the foregoing shall not apply to village departments and employees attempting to preserve the public health, safety and welfare, including the preservation of public or private property and/or infrastructure. (Ord. No. 2007-43, § I, 6-4-2007)

**Secs. 46-213—46-240. Reserved.**

**ARTICLE IX. MINORS**

**DIVISION 1. GENERALLY**

**Sec. 46-241. Truancy.**

(a) *Prohibited.* It shall be unlawful for any person under the age of 18, enrolled in a public, private or parochial school, to absent himself from attendance at school without parental permission. Any person who shall so absent himself shall be guilty of the offense of truancy and be subject to the penalties set forth in this Code. Emergency or unforeseen absences due to illness or other causes beyond the control of the person so absent-



ing himself from school without parental permission shall not constitute truancy if permission for such absence has substantially been obtained from the parent and such permission is submitted in writing to the proper school authorities within 24 hours after such absence.

(b) *Obligation of parents.* It is hereby made unlawful for any parent, guardian or other person having the legal care and custody of any person under 18 years of age, to allow or permit any such child, ward or other person under such age enrolled in a public, private or parochial school, to absent himself from attendance at school without parental permission.

(c) *Penalties.* Any person violating any of the provisions of this section shall be punished as provided in section 1-11 for each offense, and every day on which a violation occurs or continues shall be considered a separate and distinct offense. In case any parent, guardian or person in control or charge of a child who has received notice as provided in this section shall knowingly permit such child again to violate the provisions of this section, such parent, guardian, custodian or person in control or charge of such child shall be punished as provided in section 1-11 for each offense; and a separate offense shall be deemed committed on each date during or on which a violation occurs or continues.

(Code 1977, § 43.23)

**Secs. 46-242—46-260. Reserved.**

**DIVISION 2. CURFEW**

**Sec. 46-261. Imposed generally.**

(a) It shall be unlawful for any person under the age of 18 years to be on any public road, street, alley or park, or other land used for public purposes, or in any public place of business or amusement in the village between the hours of 12:00 midnight Friday and 6:00 a.m. Saturday, or between 12:00 midnight Saturday and 6:00 a.m. Sunday, or between the hours of 11:00 p.m. and 6:00 a.m. on any other day of the week, unless the person:

- (1) Is accompanied by his or her parent or guardian; or

- (2) Is in a motor vehicle engaged in interstate travel; or
- (3) Is engaged in some occupation or business, in which the person may lawfully engage, or traveling to or from such occupation or business without any detour or stop; or
- (4) Is involved in an emergency requiring immediate action to prevent serious bodily injury or loss of life; or
- (5) Is on the sidewalk or public right-of-way abutting the person's residence; or
- (6) Is attending, traveling to or returning from an official school or church function, without a detour or stop; or
- (7) Is exercising rights protected by the First Amendment to the United States Constitution, including but not limited to the free exercise of religion, freedom of speech, and right of peaceable assembly; or
- (8) Is currently married or is an emancipated minor under the Emancipation of Mature Minors Act.

(b) Prior to taking any enforcement action under this section, a police officer shall ask for the apparent offender's age and reason for being in the public place. The officer shall not issue a citation, make an arrest or take other enforcement action under this section unless the officer reasonably believes, based on the totality of the circumstances, that an offense has been or is being committed, and that none of the above-enumerated exceptions are present.

(c) Curfew hours for the day preceding a legal holiday shall be the same as for Fridays and Saturdays.

(d) Penalties for violation of this section shall be as provided in the general penalty section of this Code, or any other penalty authorized by law. (Ord. No. 1977, § 43.21(a); Ord. No. 2004-21, §§ II, III, 4-12-2004)

**Sec. 46-262. Parental responsibility.**

It shall be unlawful for any parent, guardian, or other adult person having the legal care and

custody of any person under the age of 18 years to allow or permit such person to go or to be in or upon any public road, street, alley or park, or other lands used for public purposes, or in any public place of business or amusement in the village within the times prohibited in this division, unless accompanied as provided in this division, or unless there exists a reasonable necessity therefor.

(Code 1977, § 43.21(b))

**Sec. 46-263. Reserved.**

**Editor's note**—Section II of Ordinance No. 2004-101, adopted December 20, 2004, repealed § 46-263 in its entirety. Former § 46-263 pertained to issuance of warning, parental notification and derived from § 43.21(c) of the 1977 Code.

**Sec. 46-264. Repeat offenses; court appearance.**

In case any child under the age of 18 years, after receiving a warning as provided in section 46-263, shall again violate any of the provisions of this section, the violator and the parent or guardian thereof will be requested to appear before the county court judge for disposition. If the parent or guardian and violator do not appear upon such request, the county court judge will then order the sheriff or the village police to bring in such persons.

(Code 1977, § 43.21(d))

**Sec. 46-265. Penalty for parents or guardians permitting violations.**

In case any parent, guardian, or person having legal custody of a child, who has received notice of a violation as provided in this division, shall knowingly permit such child again to violate the provisions of this division, the parent, guardian, or custodian shall be subject to punishment as provided in section 1-11.

(Code 1977, § 43.21(e))

Chapters 47—49

**RESERVED**



## Chapter 50

### **PEDDLERS AND SOLICITORS\***

#### **Article I. In General**

Secs. 50-1—50-30. Reserved.

#### **Article II. Solicitation**

##### Division 1. Generally

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## ARTICLE I. IN GENERAL

**Secs. 50-1—50-30. Reserved.**

## ARTICLE II. SOLICITATION

### DIVISION 1. GENERALLY

#### **Sec. 50-31. Purpose.**

It is the declared purpose of this article to prevent crime and protect the health and safety of the citizens of the village, to ensure that the village police department is aware of the number and identity of persons who will be soliciting, hawking, or peddling for commercial or charitable purposes and the geographical area and time periods in and during which such activities will occur within the village, and to prevent the imitation of charitable purposes and organizations by unscrupulous individuals who would defraud the public and cause charitable purposes and organizations to be endangered by the suspicion engendered by such practices, and to protect the welfare, safety, peace, comfort, and convenience of the public in their homes and traveling upon the streets, highways and sidewalks within the village.

(Code 1977, § 35.01)

#### **Sec. 50-32. Definitions.**

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

*Charitable* means and includes the words patriotic, philanthropic, social services, welfare, benevolent, educational, civic or fraternal, either actual or purported.

*Charitable solicitation* means the request, by a person on sidewalks and at residences within the village, directly or indirectly, of money, credit, property, financial assistance or other things of value on the plea of representation that such money, credit, property, financial assistance or other things of value will be used for a charitable purpose as those purposes are defined in this article. These words shall also mean and include

any oral or written request or exchange of literature for money or other things of value, the distribution, circulation, posting or publishing of any handbill, written advertisement or publication, the public making of an announcement concerning an appeal, assemblage, athletic or sporting event, bazaar, benefit, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale or social gathering to be held within the village, which the public is requested to make contribution for any charitable purpose connected therewith, or the sale of, offer, or attempt to sell, any advertisement, advertising space, book, card, chance, coupon, device, magazine, membership, merchandise, subscription, ticket, or other things in connection with which any appeal is made for any charitable purposes or where the name of any charitable person is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will go or be donated to any charitable purpose.

*Commercial solicitation* means the sale of or seeking to obtain orders for the purchase of goods, wares, merchandise, food stuff or services of any kind, character, or description for any kind of consideration whatsoever, the sale of or seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any type of publication, or the gathering of information used to supplement publications, newspapers, books, or periodicals that will be offered for sale.

*Contributions* means and include the words food, clothing, money, subscriptions, property, alms, or donations under the guise of a loan of money or property.

*Hawker* means any person who displays or purportedly exhibits his wares and audibly cries to announce their existence for sale.

*Itinerant vendor* means any person who transports tangible personal property for retail sale within the village who does not maintain in the village an established office, distribution house, sales house, warehouse, service center, or residence from which such business is conducted. However, this definition does not apply to any



person who delivers tangible personal property within the village who is fulfilling an order for such property which was solicited or placed by mail or other means.

*Peddler* means any person who travels about selling small wares which he carries with him.

*Person* means any individual, firm, co-partnership, corporation, company, association or joint stock association, society, organization or league, and includes trustee, receiver, assignee, agent or other similar representative thereof.

*Residence* means and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

*Transient merchant* means any person who is engaged temporarily in the retail sale of goods, wares or merchandise in the village and who, for the purposes of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this definition does not apply to any person selling goods, wares, or merchandise which are raised, produced or manufactured by him, and to any person selling vegetables, fruit, or perishable farm products at an established village market, and to any person operating a store or refreshment stand at a resort, and to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides, or to any person operating a stand or booth at a state or county fair.

(Code 1977, § 35.02)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 50-33. Village policy on peddling, hawking, and soliciting.**

It shall be the policy of the governing body of this village that the occupant or occupants of any residence located within the village shall make a determination of whether solicitors or any person shall be or shall not be invited to their respective residences. Any person or solicitor who is not, pursuant to the provisions contained in this article, invited onto the premises of any residence or who has obtained entrance to such premises and

does not leave such premises, upon being so requested by the occupant or occupants of such premises, shall be deemed a trespasser.  
(Code 1977, § 35.09)

**Sec. 50-34. Notice regulating soliciting.**

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this article shall give notice to the determination by the occupant of the refusal of invitation to solicitors to any residence by displaying a card upon or near the main entrance door to the residence, containing such language as "No Solicitors," or "No Solicitors Invited," or such other language as would indicate that solicitors are not to enter or engage in solicitation on the premises.  
(Code 1977, § 35.10)

**Sec. 50-35. Solicitors to obey notice or to leave when requested.**

(a) It shall be the duty of every solicitor, upon going onto the premises in the village upon which a residence is located, to first examine the notice provided in section 50-34, if any is attached, and be governed by the statement contained hereon. If the notice states "No Solicitors," or "No Solicitors Invited," or other language as would indicate that the solicitors are not to enter or engage in solicitation on the premises, the solicitor 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 occupant or occupants.

(Code 1977, § 35.11)

**Sec. 50-36. Uninvited solicitors prohibited.**

It shall be unlawful and shall constitute a nuisance and a trespass for any person to go upon any premises and ring the doorbell upon or near the door, or create any sound in any other manner calculated to attract the attention of the occupant of such a residence for the purpose of securing an audience with the occupant thereof and engage in commercial or charitable solicitation as defined in

this article, in defiance of the notice exhibited at the residence in accordance with the provisions of section 50-34.  
(Code 1977, § 35.12)

**Sec. 50-37. Time limit on soliciting.**

It shall be unlawful and shall constitute a nuisance for any person to go about any residence and ring the doorbell, 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 a residence, for the purpose of securing an audience with the occupant thereof and engage in commercial or charitable solicitation, as defined in this article, at any time on Sunday or on a state or national holiday, or before the hour of 9:00 a.m. or after the hour of 9:00 p.m.  
(Code 1977, § 35.13)

**Sec. 50-38. Peddling, hawking, or soliciting on streets.**

It shall be unlawful for any person, individual, corporation or company to solicit, peddle, or hawk on any highway or street within the village.  
(Code 1977, § 35.14)

**Cross reference**—Streets, sidewalks and other public places, ch. 66.

**Secs. 50-39—50-55. Reserved.**

DIVISION 2. PERMIT

**Sec. 50-56. Required.**

It shall be unlawful for any person, firm, company or corporation to engage in any type of solicitation, hawking, or peddling within the village limits of the village, without first obtaining a permit as provided in this division.  
(Code 1977, § 35.03)

**Sec. 50-57. Exemptions.**

No permit fee shall be required from any person from whom the village is prohibited by state or federal law from requiring a permit fee.  
(Code 1977, § 35.04)

**Sec. 50-58. Types of permits.**

The types of permits that are issued by the village are transient merchant, itinerant vendor, commercial solicitor, charitable solicitor, peddler or hawker.  
(Code 1977, § 35.05)

**Sec. 50-59. Application information and procedure.**

(a) *Peddlers and hawkers.* Applications for peddlers' or hawkers' permits shall be made to the village chief of police or his designee, and shall state thereon the full name of the applicant, permanent home address of the applicant, length of time at permanent residence, and if less than three years, previous permanent residence, physical description of applicant, make, license number, and description of all vehicles, if any, intended to be operated while peddling or hawking and a description of all merchandise to be offered for sale.

(b) *Transient merchants and itinerant vendors.*

- (1) Application for transient merchants and itinerant vendors shall be made to the village chief of police or his designee, and shall state thereon the full name of the applicant, permanent business address, which must include a street address, permanent address of the principal and if the applicant is a corporation, the residence addresses of its officers, the location at which the applicant intends to do business, the nature of the business the applicant intends to conduct, a copy of the applicant's certificate of registration under the Home Rule Municipal Retailer's Occupation Tax Act, 65 ILCS 5/8-11-1 et seq., a complete inventory of goods the applicant intends to offer for sale, and a list of all permits to conduct business as a transient merchant or an itinerant vendor obtained by the applicant in the village in the 12 months preceding the date of filing the application.
- (2) The applicant shall file with the village police department a surety bond or cash

deposit. The amount of the bond or cash deposit shall be as outlined in section 32-33.

- (3) The village police department shall transfer the deposit or bond to the attorney general of the state within 14 days after the applicant ceases to do business in the village and the attorney general shall hold such deposit or bond for two years for the benefit of any person who suffers loss or damages as a result of the purchase of merchandise from such person licensed under this article or as a result of the negligent or intentionally tortious act of the person licensed under this article. The attorney general shall pay any portion of the bond or deposit that is payable to any person in accordance with any court order without making an independent finding as to the amount of the bond or deposit that is payable to that person. Any balance of such deposit held by the attorney general two years after the expiration of a permit of a person under this article shall be refunded to the person.
- (4) A permit under this article for transient merchants and itinerant vendors shall expire on December 31 of the year it was issued. The terms of peddlers' and hawkers' permits shall be determined by the amount paid under subsection 50-60(c).
- (5) If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a permit under this article, the village police department may hold the inventory, truck or personal property of the person until he obtains a permit to conduct business as a transient merchant or itinerant vendor. If the property has been held by the police department for more than 60 days and the person whose property is being held has not obtained a permit under this article, the police department may petition the circuit court for an order of sale of property being held. If the court finds that the person whose property is held has not obtained a permit under this article, the court may order the police department to

sell the property. Proceeds of the sale of the property, less reimbursement to the police department for reasonable expenses of storage and sale of the property, shall be deposited in the treasury of the village.

**State law reference**—Similar provisions, 225 ILCS 460/1 et seq.

- (6) It shall be prima facie evidence that a person is a transient merchant or itinerant vendor under this article if the person does not transact business from a fixed location or if the person does not own or lease for a term of at least six months the property from which the business is conducted.
- (c) *Commercial or charitable solicitation.*
- (1) Every person desiring to engage in commercial or charitable solicitation as defined in this article from persons in residences, or on sidewalks located in the village, except for a merchant conducting a sale on the sidewalk immediately adjacent to his place of business, is hereby required to make written application for a solicitation permit as provided in this section, and obtain such permit prior to engaging in solicitation within the village.
  - (2) Application for a solicitation permit shall be made to the village chief of police or his designee.
  - (3) Commercial solicitors permit applications shall include the name and permanent address of the applicant, the length of residence at address and, if not more than three years, the previous permanent address of the applicant, social security number, physical description of the applicant and make, license number and description of all vehicles, if any, intended to be used during the solicitation, name and address of the person, firm, corporation or association with whom the applicant is employed or represents and the length of time of such employment or representation, a description sufficient for identification of the subject matter of the soliciting in which the applicant will engage, the

starting date and termination date of which the permit is to be used, provided that the maximum time period for which the permit shall be issued shall not exceed 30 days, information as to whether the applicant has ever been convicted of a violation of any of the provisions of this article, and information as to whether the applicant has ever been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, or misconduct which constitutes a Class A misdemeanor under the state law within five years of the date of the permit application.

- (4) Charitable solicitation permit applications shall include the name of the organization and the name under which it intends to solicit contributions, the name and address of the person in charge of the solicitation in the village, the names and addresses of all persons who will solicit contributions in the village, the dates and times of day such solicitations are to be made and the geographic area in the village wherein such solicitation shall be conducted at a particular time and day, provided that the maximum time period for which the permit shall be issued shall not exceed 30 days, and provided the permit renewals shall not exceed 30 days, a written statement of a recent date set by the attorney general of the state that the organization is in compliance with the provisions of 225 ILCS 460/0.01 et seq., and such statute as it may hereafter be amended, and a written statement from the Internal Revenue Service that the organization is a tax exempt organization under the Internal Revenue Code of the United States, Section 501(c)(3).
- (5) No solicitation permit permitting door-to-door residential solicitation shall be issued to any person who has been convicted of the commission of a felony under the laws of this state, or any other state or federal law of the United States, or misconduct which constitutes a Class A misdemeanor under state law, within five

years of the date of the permit application. No solicitation permit shall be issued to any person who has been convicted of a violation of any of the provisions of this article, nor to any person whose solicitation permit issued under this division has previously been revoked, as provided in this division, for a period of one year from the date of such conviction or revocation. (Code 1977, § 35.06; Ord. No. 2013-40, § IX, 8-19-2013)

**Sec. 50-60. Fees.**

The fees for commercial solicitation, charitable solicitation and hawker and peddler permits shall be as set forth in section 32-33. (Code 1977, § 35.07; Ord. No. 2013-40, § IX, 8-19-2013)

**Sec. 50-61. Issuance, revocation, and renewal of permits.**

(a) The chief of police or his designee, within seven days of filing the application, after consideration of the application and all information obtained relative thereto, shall approve or deny the issuance of the permit. If the applicant has complied with all the provisions of this article, then a permit will be issued. If the applicant is not entitled to the permit, pursuant to the provisions of this article or if the application does not contain all of the information or documentation required by this article, then the permit shall be denied. Endorsement shall be made by the chief of police or his designee on the application of the reason for the denial and a copy given to the applicant. If the application is denied, the permit fee shall be deemed to have covered the cost of the investigation and shall not be returned.

(b) A commercial solicitation permit shall be issued by and remain the property of the village. It shall be prominently displayed on the outermost clothing of the solicitor and shall contain the name of the solicitor, a full facial photograph of the solicitor (to be supplied by the solicitor), the name of the soliciting company, the issuance and termination dates of the solicitation permit, and the signature of the chief of police.



(c) A charitable permit shall be issued by and remain property of the village. It shall be prominently displayed on the outermost clothing of the solicitor and shall contain the name of the solicitor, a full facial photograph of the solicitor (to be supplied by the solicitor), the name and address of the charitable organization, the issuance and termination dates of the solicitation permit, and the signature of the chief of police.

(d) Upon expiration of a solicitation permit, the holder shall be entitled to renew the permit, provided that the application for renewal continues to satisfy all conditions and requirements necessary to obtain an original permit and provided any changes in the information originally submitted in the initial application, if any, are made. The applicant for a renewal of a solicitation permit shall also pay the fee required for a renewal permit.

(e) Any solicitation permit issued under this article may be revoked by the chief of police or his designee for any violation of this article, or if false material statements have been made in the application, or if the permit holder otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this article. Immediately upon such revocation, written notice thereof shall be given by the chief of police or his designee to the holder of the permit in person or by the United States mail, return receipt requested, addressed to his residence address as set forth in the application. The permit shall become null and void upon the first to occur of the following:

- (1) Actual notice of revocation;
- (2) Return of the return receipt of the mailed notice, whether or not delivered to the permit holder personally.

(Code 1977, § 35.08)

**Sec. 50-62. Appeal of permit denial or revocation.**

(a) The village administrator shall hear appeals on the denial of an application for a solicitation permit or revocation of a permit by the chief of police. A written appeal must be filed in the village administrator's office within 21 days after the date of denial of the application or

revocation of the permit by the chief of police and shall contain a specific request for or waiver of a hearing before the village administrator.

(b) When a hearing is waived, the appealing party shall submit what documentation it desires to have the village administrator consider with the written appeal. The village administrator shall render a decision within 14 days of the filing of the written appeal.

(c) If a hearing is requested, the village administrator shall schedule a hearing to be held within 30 days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal, and to appear at such hearing in person, or by attorney, or otherwise, to examine and cross examine witnesses.

(d) The village administrator shall not be bound by the rules of evidence prevailing in the courts of the law, but shall, in ascertaining the conditions and practices involved in the decision appealed, take into account all reliable, probative and substantial evidence produced at the hearing relative to the denial of the application or revocation of the permit.

(e) The appealing party may supply, at its own cost, a court reporter.

(f) The written decision of the village administrator shall be made available to the appealing party not later than ten days after the hearing on the appeal is concluded.

(Code 1977, § 35.15)

**Sec. 50-63. Penalties.**

Any person, individual, firm, corporation, or company violating any provision of this article shall be fined an amount as set forth in section 32-32 and each individual incident shall be considered a separate violation. Further, the village may seek and obtain injunctions against persons violating the terms and conditions of this article and shall not otherwise be limited in remedies.

(Code 1977, § 35.16; Ord. No. 2013-40, § IX, 8-19-2013)

Chapter 51

**RESERVED**





## Chapter 52

### **SIGNS**

- Sec. 52-1. Scope and applicability.
- Sec. 52-2. Purpose.
- Sec. 52-3. Content neutrality.
- Sec. 52-4. Prohibited signs and sign characteristics.
- Sec. 52-5. Signs allowed without sign permits.
- Sec. 52-6. Residential uses and zoning districts.
- Sec. 52-7. Public uses and zoning districts.
- Sec. 52-8. Signs accessory to office uses.
- Sec. 52-9. Signs accessory to commercial uses.
- Sec. 52-10. Signs accessory to industrial uses.
- Sec. 52-11. Signs in the C/S-3 district.
- Sec. 52-12. Master sign plans.
- Sec. 52-13. Sign permits, administration and enforcement.
- Sec. 52-14. Minor exceptions.
- Sec. 52-15. Signs requiring special use approval.
- Sec. 52-16. Nonconforming, obsolete, and prohibited signs.
- Sec. 52-17. Rules of measurement.
- Sec. 52-18. Definitions.



**Sec. 52-1. Scope and applicability.**

All signs within the Village of Gurnee are subject to the regulations of this chapter and all other provisions of this chapter.  
(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

**Sec. 52-2. Purpose.**

(a) The sign regulations of this article are intended to balance the public interest—in promoting a safe, well-maintained, and attractive village—with the interests of businesses, organizations, and individuals in ensuring the ability to identify and advertise products, services, and ideas. The regulations have the following specific objectives:

- (1) To ensure that signs are designed, constructed, installed and maintained in a way that protects life, health, property, and the public welfare;
- (2) To allow signs as a means of communication, while at the same time avoiding nuisances to nearby properties;
- (3) To support the desired character of the village and promote an attractive visual environment;
- (4) To allow for adequate and effective signs, while preventing signs from dominating the appearance of the area; and
- (5) To ensure that the constitutionally guaranteed right of free speech is protected.

(b) The regulations allow for a variety of sign types and sizes, based on zoning, land use and lot/building sizes. They do not necessarily ensure every property owner or business owner's desired level of visibility.  
(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

**Sec. 52-3. Content neutrality.**

Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or

activity, so long as the sign complies with the size, height, area and other requirements of this article.

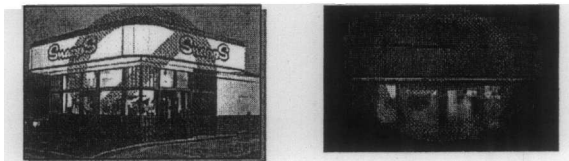
(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

**Sec. 52-4. Prohibited signs and sign characteristics.**

The following signs and sign characteristics are prohibited except as otherwise expressly stated:

- (a) Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;
- (b) Illuminated signs within 50 feet of property used or zoned for residential purposes;
- (c) Roof signs;
- (d) Signs located in or that extend into the public right-of-way (this prohibition does not apply to signs established by, or by order of any governmental agency);
- (e) Signs larger than two square feet that are suspended by chains, ropes, or other means designed to allow the sign to swing or move freely;
- (f) Signs affixed directly to a tree, utility pole, light pole, traffic control device, barn, shed, or roof of a building or structure;
- (g) Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized) located in view of the right-of-way;
- (h) Signs attached to or painted on a licensed vehicle that is located in a nonresidential zoning district in view of the right-of-way when the zoning administrator determines that the vehicle is parked solely for the purpose of displaying the sign to passing motorists or pedestrians (this prohibition does not apply to vehicles that the zoning administrator determines to be regularly used for deliveries or otherwise integral to the operation of the business);

- (i) Signs attached to or painted on a licensed vehicle within a residential zoning district if such sign is visible from a federal, state, or county highway;
- (j) Portable signs, including but not limited to, signs on trailers, A-frame or sandwich board signs; paper or cardboard signs wrapped around or fastened to support poles and all other signs or sign structures that are readily portable;
- (k) Signs painted directly on the wall or roof of a building or directly on a fence or other accessory structure or directly on any paved surfaces other than required traffic control information;
- (l) Neon tubing, LED tubing, and other lighting outside of the "sign area" and independent of any information conveyed by an allowed sign used as an architectural element or feature of a building or other structure, except as authorized by special use approval pursuant to section 52-15;
- (m) Off-premises advertising signs;
- (n) Back-lit, translucent awnings;



- (o) Balloons and other inflatable objects with a diameter of two feet or greater;
- (p) Search lights;
- (q) Permanent signs made of plywood, pressed board, MDO or nonexterior grade wood products (the prohibition on plywood, pressed board, MDO and other nonexterior grade wood products does not apply to temporary signs); and
- (r) Signs that include flashing lights, projected or moving images, moving parts or that emit noise, except as authorized by special use approval pursuant to section 52-15.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

**Sec. 52-5. Signs allowed without sign permits.**

Nonilluminated signs that comply with all conditions and limitations of subsections 52-5(a), (b), (c), (d) are allowed without a sign permit unless otherwise expressly stated. All illuminated signs that are allowed by this chapter require a sign permit.

- (a) *Governmental/institutional signs, emblems and plaques.* The following signs are allowed without a sign permit:
  - (1) Signs established by, or by order of, any governmental agency;
  - (2) Emblems or insignia of any nation or political subdivision, or nonprofit organization; and
  - (3) Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.
- (b) *Temporary signs.* The following temporary signs are allowed without a sign permit:
  - (1) One "For Sale" or "For Rent" sign is allowed per street frontage. Such signs must be removed within seven days after the sale, rental, or lease has been accomplished.
    - a. "For Sale" or "For Rent" signs on lots containing a single-family dwelling unit or zoned for single-family residential development may not exceed nine square feet in area.
    - b. "For sale" or "for rent" signs on lots containing multi-family, office, commercial, institutional, public or industrial use or that are zoned for multi-family, office, commercial, institutional, public or industrial use may not exceed 0.25 square feet of sign area per each linear foot of street frontage for the first 150 feet of street frontage and 0.10 square feet of sign area for each linear foot of street frontage for

street frontage in excess of 150 feet. These area calculations must be based on the street frontage to which the sign is oriented. No such sign may exceed 150 square feet in area.

- (2) One construction sign is allowed per street frontage during the time that construction or development activity is occurring on the subject lot, as follows:
  - a. Construction signs on a lot containing a single-family dwelling unit or a lot zoned for single-family residential development may not exceed 12 square feet in area.
  - b. Construction signs on a lot containing multifamily residential, office, institutional, public, commercial or industrial uses or a lot zoned for such uses may not exceed 32 square feet in area.
- (3) Temporary banners, streamers, and balloons with a diameter of less than two feet may be allowed for special events such as grand openings, special promotions and similar events. These signs may be in place no more than 14 days per calendar year, and a sign permit must be obtained prior to their display.
- (4) Temporary window signs are allowed when a sale of goods or services is being conducted by a business establishment located on the premises. Such signs, as well as permanent window signs, are allowed in addition to all other authorized signs, provided that both temporary and permanent window signs do not exceed 33 percent of the area of the window to which they are affixed. In addition, both temporary and permanent window signs may not exceed 64 square feet in area, regardless of the size of the window to which they

are affixed, and no establishment may have more than 100 square feet of temporary and permanent window signs displayed at any one time. No temporary or permanent window sign may be affixed to the exterior of any window, wall or other exterior surface of the structure. Temporary window signs that advertise or pertain to sales or events that have already occurred or that are substantially tattered, discolored, frayed, ripped, or otherwise in a state of visible disrepair are prohibited and must be removed.

- (5) Temporary window signs are allowed when a sale of goods or services is being conducted by a business establishment located on the premises. Such signs are allowed in addition to all other authorized signs, provided they do not exceed 33 percent of the area of the window to which they are affixed. Temporary window signs may not exceed 64 square feet in area, regardless of the size of the window to which it is affixed, and no establishment may have more than 100 square feet of temporary window signs displayed at any one time. No temporary window sign may be affixed to the exterior of any window, wall or other exterior surface of the structure. Temporary window signs that advertise or pertain to sales or events that have already occurred or that are substantially tattered, discolored, frayed, ripped, or otherwise in a state of visible disrepair are prohibited and must be removed.
- (6) Holiday decorations on private property clearly incidental, customary, and commonly associated with national, local or religious holidays are allowed, provided they are displayed for a period of not more than 30 days for each holiday.

(c) *Directional signs.*

- (1) One directional sign may be installed at each vehicle entrance and exit. Such signs may be illuminated, but they may not exceed three square feet in area or three feet in height. Commercial messages may comprise no more than 50 percent of the area of a directional sign.
- (2) Off-street parking areas with a capacity of more than five vehicles may display signs that do not exceed four square feet in area or five feet in height. Such signs are intended to direct and inform patrons and visitors about parking rates and rules, the location of stairways and elevators, pedestrian routes, restrooms, telephones, and other facilities. Such signs may not be illuminated or contain any commercial message.

(d) *Other signs.* The following signs are allowed without a sign permit:

- (1) Signs that are not visible from any public thoroughfare or right-of-way or from beyond the boundaries of the lot or parcel;
- (2) Signs within completely enclosed buildings that are not visible from the outside;
- (3) Wall signs identifying allowed home occupations, provided that no home occupation signs may be illuminated or exceed two square feet in area;
- (4) Address signs and name plates not exceeding two square feet in area are allowed for each residential, office, commercial, institutional, public or industrial building;
- (5) Memorial signs or tablets, names of buildings and date of erection, provided they are cut into a masonry surface or inlaid so as to be part of a building or provided they are constructed of bronze or other noncombustible material not more than four square feet in area;

- (6) "No trespassing," "No dumping" and similar warning/security signs that do not to exceed four square feet in area;
- (7) Warning signs installed by utility companies; and
- (8) Nonilluminated awnings with no more than six square feet of sign (copy) area on the border of the awning.
- (9) A non-illuminated sign painted or lettered directly to a window for the specific purpose of identifying the proprietor or name and hours of operation of the business to the passerby. Such a sign shall be included in the area and window percentage allowances for temporary and permanent window signs.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-90, §§, I, II, 12-3-2012)

**Sec. 52-6. Residential uses and zoning districts.**

The regulations of this section apply to signs accessory to residential uses in all zoning districts and to all signs in residential zoning districts.

- (a) *General.* Signs accessory to residential uses are subject to the regulations of section 52-5, which allows real estate (for sale/for rent) signs, home occupation signs and other signs typically associated with residential uses. All freestanding signs must be set back at least 12 feet from any street right-of-way.
- (b) *Neighborhood/subdivision identification signs.* Neighborhood or subdivision identification signs are allowed as entrance features to neighborhoods or subdivisions. Neighborhood/subdivision identification signs:
  - (1) Must be monument signs; and
  - (2) May not exceed eight feet in height or 40 square feet of area.



(c) *Nonresidential uses in residential districts.*

(1) Nonresidential uses allowed by right.

- a. Wall signs. Nonresidential uses that are allowed by right in residential zoning districts may have a maximum of one wall sign per public building entrance. Wall signs may not exceed 50 square feet in area.
- b. Freestanding signs. Nonresidential uses that are allowed by right in residential zoning districts may have one monument sign per street frontage. Allowed monument signs may not exceed 40 square feet in area or eight feet in height. All freestanding signs must be set back at least 12 feet from any street right-of-way.

(2) Nonresidential uses allowed by special use permit. Signs regulations for nonresidential uses that require special use approval in residential districts must be established during the special use review and approval process. A master sign plan (see section 52-12) must be reviewed and approved as part of the special use approval process. Such signs are in addition to signs that may be allowed under section 52-5.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

**Sec. 52-7. Public uses and zoning districts.**

The regulations of this section apply to signs accessory to public uses in all zoning districts and to all signs in the public zoning district.

- (a) *Uses allowed by right.* The following regulations apply in the public zoning district to any use allowed by right. They also apply to public uses allowed by right in any other (non-public) zoning district.

(1) *Wall signs.* Uses that are allowed by right may have a maximum of one

wall sign per public building entrance. Wall signs may not exceed 50 square feet in area.

- (2) *Freestanding signs.* Uses that are allowed by right may have one monument sign per street frontage. Allowed monument signs may not exceed 40 square feet in area or eight feet in height. All freestanding signs must be set back at least 12 feet from any street right-of-way.

- (b) *Uses allowed by special use permit.* Signs regulations for uses that require special use approval in the Public zoning district and for public uses that require special use approval in any other (non-public) zoning district must be established during the special use review and approval process. A master sign plan (see section 52-12) must be reviewed and approved as part of the special use approval process. Such signs are in addition to signs that may be allowed under section 52-5.  
(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

**Sec. 52-8. Signs accessory to office uses.**

The regulations of this section apply to signs accessory to office uses in all office, commercial and industrial zoning districts, except the C/S-3 district. Office uses in the C/S-3 district are subject to the regulations of section 52-11. Office uses in residential or public zoning districts are subject to the sign regulations of subsection 52-6(c) or section 52-7, respectively.

- (a) *Wall signs.*

- (1) *Maximum number.* A maximum of one wall sign is allowed per 100 feet of building frontage or fraction thereof. See subsection 52-17(b) for "building frontage" calculation rules.

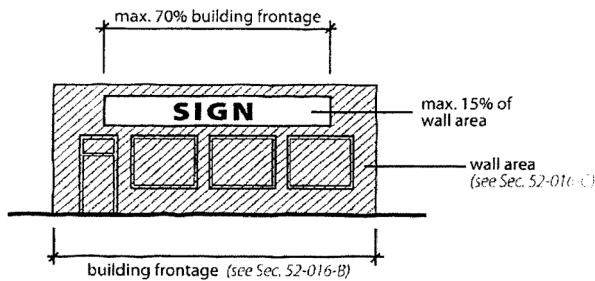
- (2) *Maximum area.* Except as expressly stated in subsection 52-8(a)(3), the cumulative maximum area of all allowed wall signs is determined by multiplying the applicable maximum sign area ratio by the length of



the subject building frontage. Different sign area ratios are established for different sign types, as follows:

Wall Sign Type	Maximum Sign Area Ratio (sq. ft. of sign area per foot of building frontage)	
	1st 100 feet of Building Frontage	Building Frontage in Excess of 100 feet
Box sign	0.40	0.20
Screened box sign w/raised or recessed letters	0.60	0.30
Raceway-mounted channel letter sign	1.00	0.50
Pin-mounted channel letter sign	1.25	0.60
Distinctive materials/design sign	1.50	0.75
Other (unclassified) sign	0.40	0.20

- (3) *Alternative maximum area.* Regardless of the maximum wall sign area allowance calculated pursuant to subsection 52-8(a)(2), the maximum area of a wall sign may not exceed 200 square feet. Conversely, all allowed wall signs may be at least 15 square feet in area.
- (4) *Location.* Except as otherwise expressly stated, wall signs may be placed on any wall as long as the sign does not cover more than 15 percent of the area of the wall or more than 70 percent of the building frontage to which it is attached.



(b) *Awning and canopy signs.*

- (1) *When allowed.* Nonilluminated awnings with no more than six square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs

or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed one per 100 feet of building frontage or fraction thereof. See subsection 52-17(b) for "building frontage" calculation rules.

- (2) *Maximum area.* Letters, logos, and symbols on awning or canopy signs are limited to a maximum area of one square foot per one foot of awning length or 25 percent of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70 percent of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

(c) *Freestanding signs.*

- (1) *Maximum number.* A maximum of one freestanding sign is allowed per lot. If a lot has more than 1,000 feet of street frontage, a maximum of two freestanding signs are allowed.

- (2) *Maximum area.* Freestanding signs are subject to the following maximum sign area standards:

<i>Freestanding Sign Type</i>	<i>Maximum Area (sq. ft)</i>
Box sign	50
Screened box sign with raised or recessed letters	75
Distinctive materials/design sign	95
Other (unclassified) sign	50

- (3) *Maximum height.* Freestanding signs may not exceed ten feet in height.
- (4) *Location.* Freestanding signs must be set back at least 12 feet from all public rights-of-way and from the back of curb or outer edge of all driveways. Freestanding signs must set back at least 50 feet from all residential zoning districts.

- (5) *Design.*

- a. All new freestanding signs must be a monument sign. Existing freestanding signs with exposed support posts that are modified in any way are required to cover or conceal the exposed support post with a decorative material that is architecturally compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, colors, and materials.
- b. The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The zoning administrator is authorized to approve alternative landscape or

base treatments if the zoning administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.

- (6) *Legibility.* All letters and numbers in the business name must be at least six inches in height and all letters and numbers in any tag line must be at least three inches in height.
- (7) *Address.* All freestanding signs must include the street address (number) of the subject property. Street address numbers will not be counted as part of the sign's area and must be a minimum of six inches in height.
- (d) *Multitenant office developments.* Multitenant office developments are subject to the regulations of subsections 52-8(a), (b), and (c), except as expressly modified or supplemented by the regulations of this subsection.
  - (1) *Tenant information.* At least 40 percent of the total sign area on a freestanding sign within a multitenant office development must be devoted to the name and address of the development. No more than four tenant panels are permitted per sign face. Tenant panels may be used for the display of leasing information pertaining to the development.
  - (2) *Directory signs.* In addition to other allowed signs, multitenant office developments may have up to one di-

rectory sign for each building within the development. Directory signs may not exceed 15 square feet in area and, if freestanding, may not exceed six feet in height. Directory signs are intended to convey information to pedestrians and motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site. Directory signs are not subject to minimum letter/number height requirements.

- (3) *Freestanding signs on outlots and outparcels.* Freestanding signs are not permitted on outlots or outparcels in multitenant office developments, unless the area of the outlot or outparcel exceeds five acres in area and all buildings on the outlot or outparcel are located more than 300 feet from the right-of-way of the highest classification street abutting the lot or parcel.
- (4) *Master sign plans.* Master sign plans are required for multitenant developments in accordance with section 52-12.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-90, § III, 12-3-2012)

**Sec. 52-9. Signs accessory to commercial uses.**

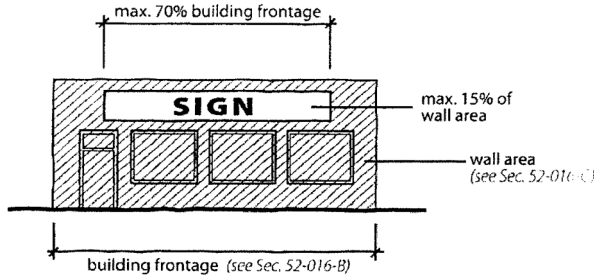
The regulations of this section apply to signs accessory to commercial uses in commercial zoning districts. Commercial uses in office districts are subject to the regulations that apply to office uses pursuant to section 52-8. Commercial uses in industrial districts are subject to the regulations that apply to industrial uses pursuant to section 52-10. Commercial uses in the C/S-3 district are subject to the regulations of section 52-11.

- (a) *Wall signs.*
  - (1) *Maximum number.* A maximum of one wall sign is allowed per 100 feet of building frontage or fraction thereof. See subsection 52-17(b) for "building frontage" calculation rules.
  - (2) *Maximum area.* Except as expressly stated in subsection 52-9(a)(3), the cumulative maximum area of all allowed wall signs is determined by multiplying the applicable maximum sign area ratio by the length of the subject building frontage. Different sign area ratios are established for different sign types, as follows:

Wall Sign Type	Maximum Sign Area Ratio (sq. ft. of sign area per foot of building frontage)	
	1st 100 feet of Building Frontage	Building Frontage in Excess of 100 feet
Box sign	0.50	0.25
Screened box sign w/ raised or recessed letters	0.70	0.35
Raceway-mounted channel letter signs	1.25	0.60
Pin-mounted channel letter sign	1.50	0.75
Distinctive materials/design sign	1.75	0.90
Other (unclassified) sign	0.50	0.25

- (3) *Alternative maximum area.* Regardless of the maximum wall sign area allowance calculated pursuant to subsection 52-9(a)(2), the maximum area of a wall sign may not exceed 200 square feet. Conversely, all allowed wall signs may be at least 15 square feet in area.
- (4) *Location.* Except as otherwise expressly stated, wall signs may be placed on any wall as long as the sign does not cover more than 15

percent of the area of the wall or more than 70 percent of the building frontage to which it is attached.



(b) *Awning and canopy signs.*

- (1) *When allowed.* Nonilluminated awnings with no more than six square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed one per 100 feet of building frontage or fraction thereof. See subsection 52-17(b) for building frontage calculation rules.
- (2) *Maximum area.* Letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 1.25 square feet per one foot of awning length or 25 percent of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70 percent of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

(c) *Freestanding signs.*

- (1) *Maximum number.* A maximum of one freestanding sign is allowed per

lot. If a lot has more than 1,000 feet of street frontage, a maximum of two freestanding signs are allowed.

- (2) *Maximum area.* Freestanding signs are subject to the following maximum sign area standards:

<i>Freestanding Sign Type</i>	<i>Maximum Area (sq. ft)</i>
Box sign	60
Screened box sign with raised or recessed letters	90
Distinctive materials/design sign	150
Other (unclassified) sign	60

- (3) *Maximum height.* Freestanding signs may not exceed 12 feet in height.
- (4) *Location.* Freestanding signs must be set back at least 12 feet from all public rights-of-way and from the back of curb or outer edge of all driveways. Freestanding signs must set back at least 50 feet from all residential zoning districts.
- (5) *Design.*
  - a. All new freestanding signs must be a monument sign. Existing freestanding signs with exposed support posts that are modified in any way are required to cover or conceal the exposed support post with a decorative material that is architecturally compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, colors, and materials.
  - b. The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit

application. The zoning administrator is authorized to approve alternative landscape or base treatments if the zoning administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.

- (6) *Legibility.* All letters and numbers in the business name must be at least six inches in height and all letters and numbers in any tag line must be at least three inches in height.
- (7) *Address.* All freestanding signs must include the street address (number) of the subject property. Street address numbers will not be counted as part of the sign's area and must be a minimum of six inches in height.
- (d) *Menu board signs.* Menu board signs accessory to allowed drive-through uses are permitted in addition to other allowed signs, as follows:
  - (1) *Number and dimensions.*
    - a. Primary menu board. One primary menu board not to exceed 36 square feet in area or eight feet in height is allowed per order station up to a maximum of two primary menu boards.
    - b. Secondary menu board. One secondary menu board not to exceed 15 square feet in area or six feet in height is allowed.
  - (2) *Residential separation.* Menu board signs must be set back at least 75 feet from residential zoning districts.
  - (3) *Visibility.* Menu board signs are intended to convey information to motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site.
  - (4) *Letter height.* Menu board signs are not subject to minimum letter/number height requirements.
  - (e) *Multitenant commercial developments.* Multitenant commercial developments are subject to the regulations of subsections 52-9(a), (b) and (c), except as expressly modified or supplemented by the regulations of this subsection.
    - (1) *Tenant information.* At least 40 percent of the total sign area on a freestanding sign within a multitenant commercial development must be devoted to the name and address of the development. No more than four tenant panels are permitted per sign face. Tenant panels may be used for the display of leasing information pertaining to the development.
    - (2) *Directory signs.* In addition to other allowed signs, multitenant commercial developments may have up to one directory sign for each building within the development. Directory signs may not exceed 15 square feet in area and, if freestanding, may not exceed six feet in height. Directory signs are intended to convey information to pedestrians and motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site. Directory signs are not subject to minimum letter/number height requirements.
    - (3) *Freestanding signs on outlots and outparcels.* Except as allowed by the menu board sign provisions of sub-



section 52-9(d), freestanding signs are not permitted on outlots or outparcels in multitenant commercial developments, unless the area of the outlot or outparcel exceeds five acres in area and all buildings on the outlot or outparcel are located more than 300 feet from the right-of-way of the highest classification street abutting the lot or parcel.

- (4) *Master sign plans.* Master sign plans are required for multitenant developments in accordance with section 52-12.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-90, § IV, 12-3-2012)

**Sec. 52-10. Signs accessory to industrial uses.**

The regulations of this section apply to signs accessory to industrial uses in all office, commercial and industrial zoning districts.

- (a) *Wall signs.*

- (1) *Maximum number.* A maximum of one wall sign is allowed per 100 feet

of building frontage or fraction thereof. See subsection 52-17(b) for building frontage calculation rules.

- (2) *Maximum area.* Except as expressly stated in subsection 52-10(a)(3), the cumulative maximum area of all allowed wall signs is determined by multiplying the applicable maximum sign area ratio by the length of the subject building frontage. Different sign area ratios are established for different sign types, as follows:

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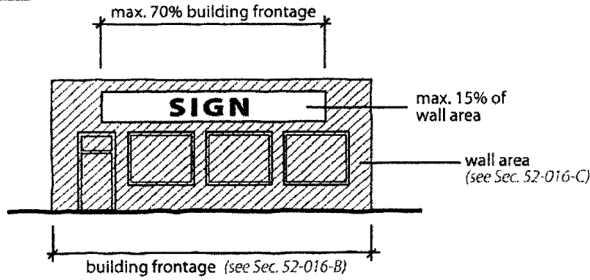
<i>Wall Sign Type</i>	<i>Maximum Sign Area Ratio</i> <i>(sq. ft. of sign area per foot of building frontage)</i>	
	<i>1st 100 feet of Building Frontage</i>	<i>Building Frontage in Excess of 100 feet</i>
Box sign	0.50	0.25
Screened box sign with raised or recessed letters	0.70	0.35
Raceway-mounted channel letter signs	1.25	0.60
Pin-mounted channel letter sign	1.50	0.75
Distinctive materials/design sign	1.75	0.90
Other (unclassified) sign	0.50	0.25

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- (3) *Alternative maximum area.* Regardless of the maximum wall sign area allowance calculated pursuant to subsection 52-10(a)(2), the maximum area of a wall sign may not exceed 200 square feet. Conversely, all allowed wall signs may be at least 15 square feet in area.

sign does not cover more than 15 percent of the area of the wall or more than 70 percent of the building frontage to which it is attached.

- (4) *Location.* Except as otherwise expressly stated, wall signs may be placed on any wall as long as the



(b) *Awning and canopy signs.*

- (1) *When allowed.* Nonilluminated awnings with no more than six square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed one per 100 feet of building frontage or fraction thereof. See subsection 52-17(b) for building frontage calculation rules.
- (2) *Maximum area.* Letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 1.25 square feet per one foot of awning length or 25 percent of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70 percent of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

(c) *Freestanding signs.*

- (1) *Maximum number.* A maximum of one freestanding sign is allowed per lot. If a lot has more than 1,000 feet of street frontage, a maximum of two freestanding signs are allowed.

- (2) *Maximum area.* Freestanding signs are subject to the following maximum sign area standards:

<i>Freestanding Sign Type</i>	<i>Maximum Area (sq. ft.)</i>
Box sign	50
Screened box sign with raised or recessed letters	75
Distinctive materials/design sign	95
Other (unclassified) sign	50

- (3) *Maximum height.* Freestanding signs must be monument signs and may not exceed ten feet in height.

- (4) *Location.* Freestanding signs must be set back at least 12 feet from all public rights-of-way and from the back of curb or outer edge of all driveways. Freestanding signs must set back at least 50 feet from all residential zoning districts.

(5) *Design.*

- a. All new freestanding signs must be a monument sign. Existing freestanding signs with exposed support posts that are modified in any way are required to cover or conceal the exposed support post with a decorative material that is architecturally compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, colors, and materials.
- b. The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The zoning administrator is authorized to ap-



prove alternative landscape or base treatments if the zoning administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.

- (6) *Legibility.* All letters and numbers in the business name must be at least six inches in height and all letters and numbers in any tag line must be at least three inches in height.
- (7) *Address.* All freestanding signs must include the street address (number) of the subject property. Street address numbers will not be counted as part of the sign's area and must be a minimum of six inches in height.
- (d) *Multitenant industrial developments.* Multitenant industrial developments are subject to the regulations of subsections 52-10(a), (b), and (c), except as expressly modified or supplemented by the regulations of this subsection.
  - (1) *Tenant information.* At least 40 percent of the total sign area on a freestanding sign within a multitenant office development must be devoted to the name and address of the development. No more than four tenant panels are permitted per sign face. Tenant panels may be used for the display of leasing information pertaining to the development.
  - (2) *Directory signs.* In addition to other allowed signs, multitenant indus-

trial developments may have up to one directory sign for each building within the development. Directory signs may not exceed 15 square feet in area and, if freestanding, may not exceed six feet in height. Directory signs are intended to convey information to pedestrians and motorists within the boundaries of the development and therefore may not be located or oriented to be visible from off site. Directory signs are not subject to minimum letter/number height requirements.

- (3) *Freestanding signs on outlots and outparcels.* Freestanding signs are not permitted on outlots or outparcels in multitenant industrial developments, unless the area of the outlot or outparcel exceeds five acres in area and all buildings on the outlot or outparcel are located more than 300 feet from the right-of-way of the highest classification street abutting the lot or parcel.
- (4) *Master sign plans.* Master sign plans are required for multitenant developments in accordance with section 52-12.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-90, § V, 12-3-2012)

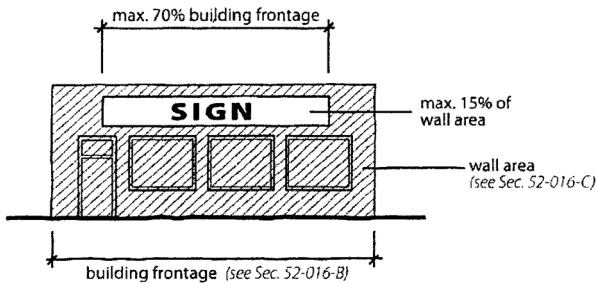
#### **Sec. 52-11. Signs in the C/S-3 district.**

Special sign regulations are established for the C/S-3, village center residence/business district. In the event of conflict between special sign regulations of this section and the regulations of other sections of this chapter, the special sign regulations of this section govern.

- (a) *Wall signs.*
  - (1) *Maximum number.* A maximum of one wall sign is allowed per principal building.
  - (2) *Maximum area.* The total cumulative area of all allowed wall signs in C/S-3 districts may not exceed 0.2 square foot in area for each one building frontage for the first 100

feet of building frontage, plus 0.1 square foot of sign area for each foot of building frontage in excess of 100 feet. Regardless of the maximum wall sign area allowance calculated pursuant to this paragraph, no wall sign in the C/S-3 district may exceed 75 square feet in area. Conversely, all allowed wall signs may be at least 15 square feet in area.

- (3) *Location.* Except as otherwise expressly stated, wall signs may be placed on any wall as long as the sign does not cover more than 15 percent of the wall area or more than 70 percent of the building frontage to which it is attached.



- (4) *Materials and design.* Only distinctive materials/design signs are allowed in the C/S-3 district.

(b) *Awning or canopy signs.*

- (1) *When allowed.* Nonilluminated awnings with no more than six square feet of sign (copy) area on the border of the awning may be used in addition to wall signs. Other awning signs or canopy signs may be substituted for allowed wall signs, provided that the total combined number of wall signs and awning and canopy signs may not exceed one per 100 feet of building frontage or fraction thereof. See subsection 52-17(b) for building frontage calculation rules.
- (2) *Maximum area.* Letters, logos, and symbols on awning or canopy signs are limited to a maximum area of 0.2

square foot per one foot of awning length or ten percent of the awning area, whichever is less. The total combined length of letters, logos and symbols may not exceed 70 percent of awning or canopy length. In calculating the length and area of an awning or canopy only the single longest plane of the awning or canopy may be counted. This generally means that the valance and sides (ends) of the awning or canopy will not be counted for purposes of measuring length or area.

(c) *Freestanding signs.*

- (1) *Maximum number.* A maximum of one freestanding sign is allowed per lot.
- (2) *Maximum area.* Freestanding signs may not exceed 15 square feet in area.
- (3) *Maximum height.* Freestanding signs may not exceed six feet in height.
- (4) *Location.* Freestanding signs must be set back at least 12 feet from all public rights-of-way and from the back of curb or outer edge of all driveways.
- (5) *Design.*
  - a. Poles or pylons used to support freestanding signs must be constructed of a material or covered or concealed by a decorative cover that is architecturally compatible with the overall design of the sign and the architectural character of buildings on the site, in terms of style, colors, and materials.
  - b. The ground area surrounding the base of all freestanding signs must be landscaped. The landscape area must be at least as large as the sign area. The landscape area must include shrubs, perennial and/or annual flowers, ornamental grasses, and/or

vegetative ground cover. Landscape plans, indicating plant materials and location must be submitted with the sign permit application. The zoning administrator is authorized to approve alternative landscape or base treatments if the zoning administrator determines that landscaping at the base of the freestanding sign is impractical because of soil conditions, space constraints or other factors beyond the reasonable control of the applicant. Alternative landscape treatments may include additional landscaping elsewhere on the site, the use of masonry materials to conceal the base of the sign or other treatments that provide an equivalent or higher level of visual amenity than the otherwise required sign base landscaping requirements.

- (6) *Legibility.* All letters and numbers in a business' name, as well as the address, must be at least six inches in height and all letters and numbers in any tag line must be at least three inches in height.
- (7) *Address.* All freestanding signs must include the street address (number) of the subject property. Street address numbers will not be counted as part of the sign's area.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-90, § VI, 12-3-2012)

### **Sec. 52-12. Master sign plans.**

(a) *Applicability.* No sign permit may be issued for a new multitenant development until a master sign plan has been reviewed and approved by the village. A master sign plan is not required for existing multitenant developments except when the development is being rehabilitated or expanded and the value of such rehabilitation or

expansion exceeds 150 percent of the assessed value of the development prior to its rehabilitation or expansion.

(b) *Contents of master sign plans.* Master sign plans must indicate the number, location, materials, colors and dimensions of all freestanding and wall signs in the multitenant development. The master sign plan must also identify the types proposed and any other information necessary to determine whether the proposed signs comply with the sign regulations of this article.

(c) *Design.* Master sign plans must describe and illustrate a consistent pattern of signage in the development. All signs within the development must have at least three of the following design elements in common:

- (1) Common colors on the background or text;
- (2) Common lettering style;
- (3) Common size (e.g., a height or wall location common to each sign);
- (4) Common materials.

(d) *Sign structure color.* All sign cabinets, trim caps, returns and all sign supports such as poles and braces must be of a common color.

(e) *Approval process.* The zoning administrator is authorized to approve master sign plans unless one or more proposed signs within the development require review and approval by the planning and zoning board or village board, in which case master sign plan approval authority rests with the authorized decision-making body for the subject sign.

(f) *Amendment procedures.* Master sign plans may be amended no more than once every five years, except that a master sign plan may be amended more frequently if all signs approved under an existing master sign plan are in conformance, or are brought into conformance, with the provisions of the amended master sign plan. (Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-25, § II, 4-2-2012; Ord. No. 2012-90, § VII, 12-3-2012)

**Sec. 52-13. Sign permits, administration and enforcement.**

(a) Any person proposing to erect any sign requiring a sign permit must submit to the zoning administrator an application for a sign permit. Application for such permit must be accompanied by detailed plans, including scaled drawings of the proposed sign and other necessary information to determine the location and compliance with all applicable regulations.

(b) Where a proposed sign includes elements of two different sign types (e.g., box signs, raceway-mounted channel letter signs, distinctive materials/design signs), the zoning administrator must determine the appropriate classification of the sign based on the dominant characteristics of the proposed sign.

(c) Where this section requires the submission of master sign plan, such sign plan must be submitted to the zoning administrator for review and approval.

(d) Sign permit fees as established by the village board, must be paid prior to the issuance of a sign permit.

(e) If the work associated with a sign permit has not been completed within one year of the date of the issuance of the permit, such permit will lapse and become null and void.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

**Sec. 52-14. Minor exceptions.**

(a) *Applicability/authorization.* Exceptions to the sign regulations of this article may be approved only through the special use approval process in accordance with article 13 of the zoning ordinance except that the planning and zoning board is authorized to approve the following exceptions the minor exception procedures of this section:

- (1) Additional freestanding signs, up to a maximum of one freestanding sign per 1,000 feet of street frontage;
- (2) Additional directory signs for multitenant developments, up to a maximum of one directory sign per public building entrance;

- (3) Additional wall signs for retail uses with over 75,000 square feet of gross floor area;
- (4) Additional tenant panels on freestanding signs in multitenant developments, up to a maximum of eight tenant panels per sign face
- (5) An increase in freestanding sign height by up to 50 percent;
- (6) An increase in the allowed area of a freestanding sign by up to 25 percent;
- (7) An identification sign located at each commercial park entrance that contains only the commercial park's name and address;
- (8) A decrease in minimum required letter height on freestanding signs; and
- (9) Relief from or exceptions to any other sign regulation of this article, except standards regulating the type, number, height or maximum area of signs allowed.

(b) *Procedure.*

- (1) A request for approval of a minor exception must be submitted to the zoning administrator in a form established by the zoning administrator. Upon determining the application is complete, the zoning administrator must place the matter on the agenda of the planning and zoning board for review.
- (2) The plan commission must consider the matter in accordance with its rules and the applicable procedures of this section.
- (3) Following its consideration, the planning and zoning board must act by simple majority vote to approve the minor exception request, approve it with conditions or deny the request based on the review criteria of subsection (c).
- (4) Applicants may appeal a decision of the planning and zoning board on a minor exception to the village board. The village board must act on the requested minor exception as a new matter in accordance with the criteria of this section.

(c) *Review criteria.* The planning and zoning board may approve a minor exception request only if they find that the number, size, design and placement of all proposed signs within the development are consistent with the stated purpose of these sign regulations (see section 52-02). (Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-25, § II, 4-2-2012; Ord. No. 2012-90, §§ VIII—X, 12-3-2012)

**Sec. 52-15. Signs requiring special use approval.**

(a) *When required.*

- (1) Applications for electronic message centers, animated signs, changing-image signs, projected image signs or other types of flashing or moving signs require special use approval, in accordance with article 13 of the zoning ordinance.
- (2) Applications for any permanent installation of banners, pennants or flags (other than local state or federal government flags) require special use approval, in accordance with article 13 of the zoning ordinance. (See also temporary installation, section 52-05(b)(3))
- (3) In the C/B-2 district, any installation of neon tubing or LED tubing and other similar lighting outside the sign face requires special use approval, in accordance with article 13 of the zoning ordinance even when such installation is part of an architectural element or feature of the building or structure. For the purposes of these regulations, each linear foot of such lighting or tubing is considered one-square-foot of sign area.
- (4) Any sign other than a canopy or awning sign that is attached to and extends more than 18 inches from a building or structure requires special use approval, in accordance with article 13 of the zoning ordinance.
- (5) Except as expressly allowed by the minor exception provisions of section 52-14, a sign permit application that includes a request for relief from or an exception to

the standards established by these regulations because of replacement of a non-conforming sign, unusual site conditions, unique types of signs and unique design factors, including the conditions of section 52-05 requires special use approval, in accordance with article 13 of the zoning ordinance.

(b) *Required findings.* In order to approve any application for special use approval for a sign, planning and zoning board must determine that the application complies with the otherwise applicable special use standards and criteria of this section (as such standards and criteria are applicable to sign matters) and must make all of the following findings:

- (1) That the use has unique operating characteristics or there are exceptional or unusual circumstances that apply to the subject property that do not generally apply to other similarly situated properties. These circumstances may include:
    - a. Applications for substantial reconstruction of nonconforming signs;
    - b. Applications for taller signs where bridges, overpasses or other features create visual obstructions;
    - c. Applications for sites that have buildings in unusual locations; or
    - d. Proposals for buildings and uses that have unusual designs, architectural styles or operating characteristics;
  - (2) That the grant of approval would not be inconsistent with the stated purpose of this chapter (see section 52-2);
  - (3) that any sign proposed to exceed applicable sign area or height limits complies with all other applicable design standards for the subject sign type or any additional design standards imposed by the planning and zoning board; and
  - (4) That the grant of approval would result in a superior design in terms of the quality of materials, lighting, and overall coordination of the design of signs on the site.
- (Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-90, §§ XI, XII, 12-3-2012)



**Sec. 52-16. Nonconforming, obsolete, and prohibited signs.**

(a) *Nonconforming signs.*

- (1) Any sign lawfully existing or under construction on May 5, 2008, that does not conform to one or more of the provisions of this article may be continued in operation and maintained indefinitely as a nonconforming sign subject to compliance with this article.
- (2) As an incentive to encourage the removal of nonconforming signs, the village board, after review and recommendation by the planning and zoning board, is expressly authorized to waive sign permit fees and special use permit application fees and approve special use permit requests for replacement signs. In deciding such requests, the planning and zoning board and village board must consider whether the public benefit derived from removal and replacement will be generally proportionate to the fee waiver and/or deviation requested. The planning and zoning board is also authorized to approve minor exception requests for replacement signs if they determine that the public benefit derived from removal and replacement will be generally proportionate to the exception requested.
- (3) Routine maintenance of nonconforming signs is allowed, including changing of copy, necessary nonstructural repairs, and incidental alterations that do not expand, extend or enlarge the nonconforming features of the sign. However, no structural alteration, enlargement, or expansion may be made to a nonconforming sign unless the alteration, enlargement, or expansion will result in the elimination of the nonconforming features of the sign.
- (4) A nonconforming sign and its associated sign structure must be removed or modified to comply with these regulations if the structure to which it is accessory is demolished or destroyed to an extent exceeding 150 percent of the structure's assessed value. A nonconforming sign and

sign structure subject to removal under this paragraph must be removed by the owner of the sign or the owner or lessee of the property. If the owner or lessee fails to remove the sign, the zoning administrator must give the owner/lessee written notice of the requirements of this paragraph and the sign must be removed within 30 days of such notice.

- (5) A nonconforming sign and its associated sign structure must be removed or modified to comply with these regulations if the sign and sign structure is demolished or destroyed to an extent exceeding 50 percent of its replacement cost. A nonconforming sign and sign structure subject to removal under this paragraph must be removed by the owner of the sign or the owner or lessee of the property. If the owner or lessee fails to remove the sign, the zoning administrator must give the owner/lessee written notice of the requirements of this paragraph and the sign must be removed within 30 days of such notice.
- (6) A nonconforming sign and its associated sign structure must be removed or modified to comply with the sign regulations of this article if the business or use on the property ceases to operate for a continuous period of three months or more. If the owner or lessee fails to remove or modify the sign, the zoning administrator must give the owner/lessee written notice of the requirements of this paragraph and the sign and sign structure must be removed within 30 days of such notice. If such sign is not removed or modified after the 30-day period, the village board may take action to authorize the removal of the sign and sign structure at the expense of the owner, agent, or person having beneficial interest in the building or premises on which the sign is located. In addition, the village is authorized to institute and pursue all other available remedies and penalties under the law.

(b) *Abandoned signs.*

- (1) Except as otherwise expressly stated in this article, any sign that conforms with the regulations of this article and that is located on property that becomes vacant and/or unoccupied for a period of one year or more will be deemed abandoned. (Note: signs that are nonconforming are subject to the provisions of subsection 52-16(a)) Evidence of abandonment relates to the property's disrepair, the lack of building occupancy, the failure of a property owner to maintain business licenses, and other evidence related to the property maintenance.
- (2) An abandoned sign and its associated sign structure must be removed by the owner of the property on which the sign is located. If the owner or lessee fails to remove the sign, the zoning administrator must give the owner/lessee written notice of the requirements of this paragraph and require that the owner remove the sign within 30 days of such notice. If such sign is not removed after the 30-day period, the village board may take action to authorize the removal of the sign at the expense of the owner, agent, or person having beneficial interest in the building or premises on which the sign is located.

(c) *Obligation to maintain signs.*

- (1) All signs must be maintained in good structural condition and in compliance with all village codes.
- (2) Any signs that are rotted, unsafe, or unsightly must be repaired or removed by the licensee or owner of the sign.

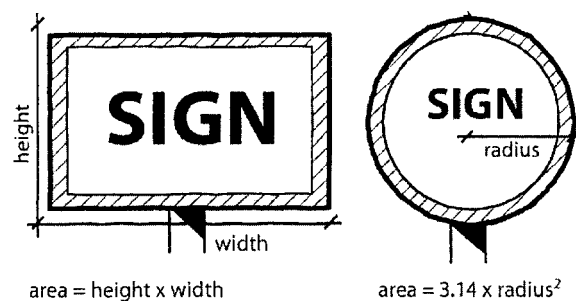
(d) *Prohibited signs.* The zoning administrator is authorized to remove or have removed all illegal (prohibited) signs located in any public right-of-way.

(Ord. No. 2008-39, § II(Exh. B), 5-5-2008; Ord. No. 2012-25, § II, 4-2-2012; Ord. No. 2012-90, § XIII, 12-3-2012)

**Sec. 52-17. Rules of measurement.**

(a) *Rules for measuring sign area.* This section sets forth rules for measuring sign area and other regulated dimensional features.

- (1) *Box signs.* The area of a box sign is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. However, screened box signs with raised or routed out letters, such signs may be measured as described in paragraph (2) below.



- (2) *Channel (individual) letter signs.* The area of a sign comprised of individual letters or elements attached to a building wall is determined by calculating the area of the smallest geometric figure (e.g. square, rectangle, circle, polygon, etc) that can be drawn around the letters and/or elements. Signs consisting of individual let-

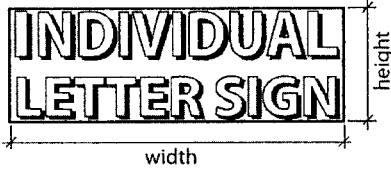




ters and/or elements will be measured as one sign when the distance between the

letters and/or elements is less than the largest dimension of the largest sign letter.

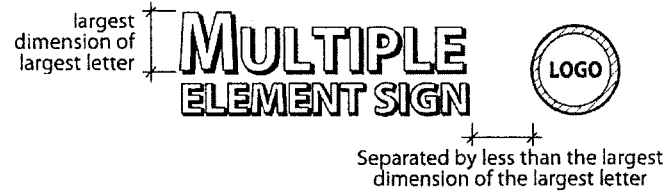
signs enclosed by rectangles:



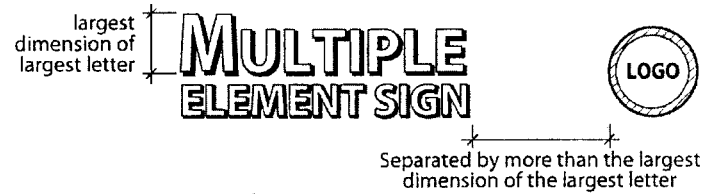
signs enclosed by polygons:



maximum separation of sign elements to be considered one sign:

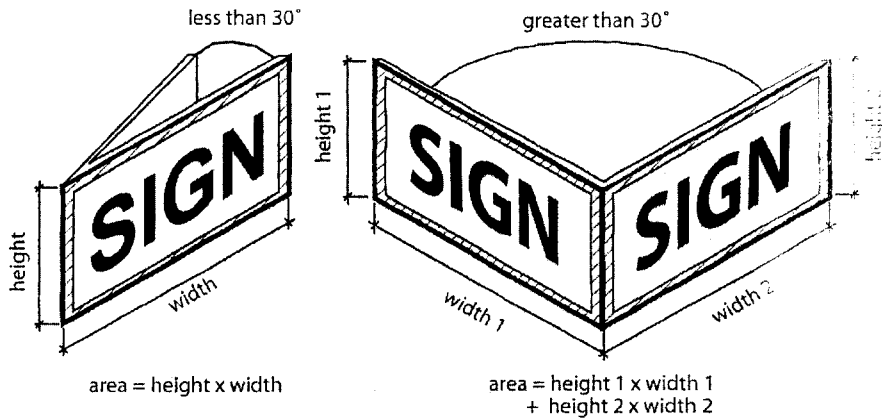


not considered one sign:



- (3) *Multi-sided signs* When the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted.

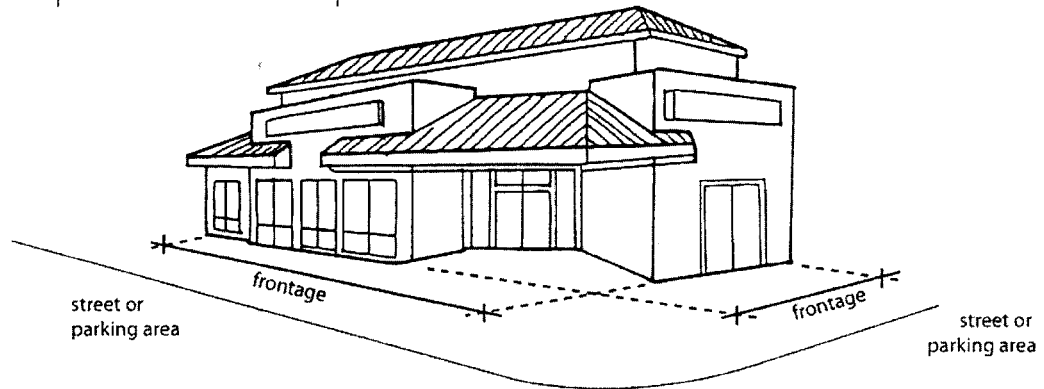
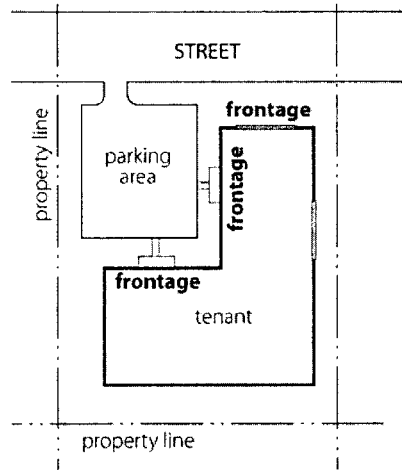
If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted.



(b) *Rules for measuring building frontage.* Many of the wall sign regulations of this chapter are based on building frontage. The following rules govern the measurement of building frontage.

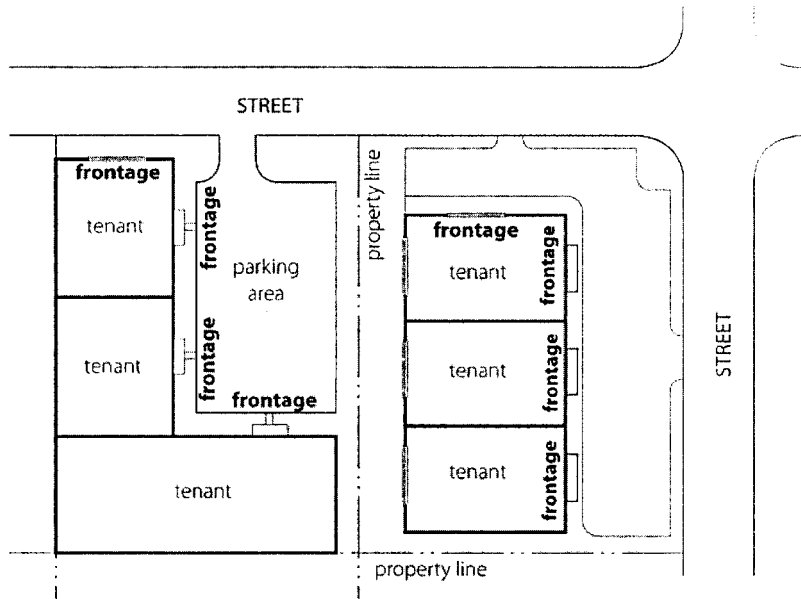
- (1) For buildings occupied by a single tenant or multiple tenants that access the building via a common entrance, building frontage is the exterior building wall (or walls)

that: (1) is adjacent to a street or a parking area or other vehicle circulation area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. Allowed wall sign area for a building that has two or more building frontages must be calculated on the basis of each individual building frontage.



(2) On buildings housing more than one tenant where each tenant has their own outside entrance, a tenant's building frontage is the exterior building wall (or walls) that directly abut the tenant's interior floor space and that: (1) abuts, parallels, or is the nearest to parallel with a street or a parking area or other vehicle circula-

tion area that is accessory to and serves the subject building and (2) contains either windows or a public building entrance. A tenant that has two or more building frontages must calculate the permitted sign area on the basis of each individual building frontage.

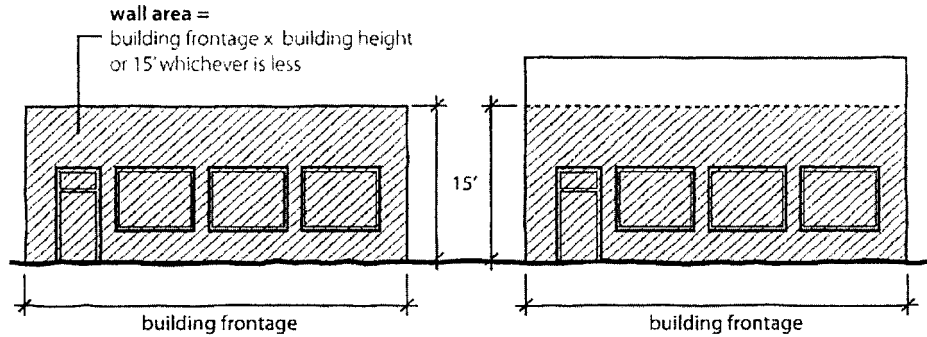


- (3) Regardless of the height, number of stories, or number of tenants in a building, building frontage will be determined by one measurement of the horizontal length of the wall at finished grade. Buildings walls must be measured along a flat, unbroken plane, regardless of the presence of recesses or projections along the building wall.
- (4) As an alternative to the allocation of permitted sign area on the basis of individual building frontages, a differing allotment of sign area may be assigned to the various tenants upon receipt and approval by the zoning administrator of written authorization from the owner or authorized

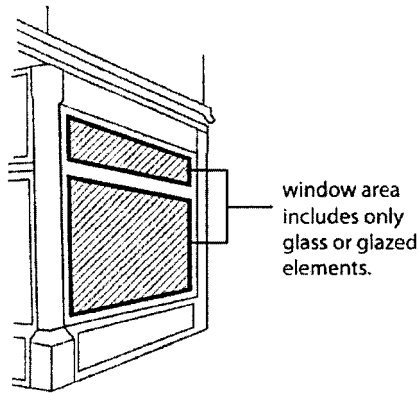
management firm of the building or development. Such written authorization must be in the form of a master sign plan that complies with the provisions of section 52-12.

- (5) In no instance may the total combined sign area for all signs exceed the maximum allowed sign area for the individual building frontages, as determined in accordance with the provisions of subsections 52-8(a), 52-9(a), 52-10(a), or 52-11(a).

(c) *Rules for measuring wall area.* The area of a wall is calculated by multiplying the building frontage by the building's height or 15 feet, whichever is less.



(d) *Rules for measuring window area.* The area of a window includes only the glass or glazed elements of the window. Frames, mullions and similar features are not counted as part of the window area.



(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

**Sec. 52-18. Definitions.**

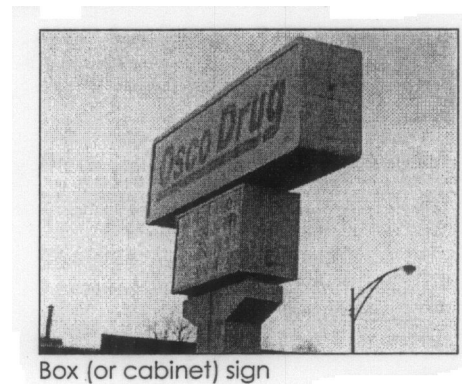
The following terms have the meanings given in this section.

*Animated sign.* Any sign that uses movement or change of lighting to depict action or create a special effect or scene. The term "animated sign" expressly includes multicolor electronic message center signs, video screens, television screens, plasma screens and holographic displays, but does not include single-color electronic message center signs.

*Awning.* A roof-like structure typically made of cloth, metal, or other material attached to a frame

that extends from and is supported by a building. Awnings are typically erected over a window, doorway, or building front and they may be raised or retracted to a position adjacent to the building.

*Box sign* (also known as cabinet signs). A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment.



*Building frontage.* See subsection 52-17(b).

*Business sign.* A sign that directs attention to a profession or business conducted, or to a commodity, service, activity, or entertainment sold, offered or manufactured upon the premises where such sign is located or in the building to which such sign is affixed.

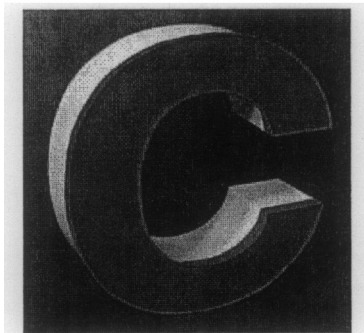
*Cabinet sign.* See "Box sign."

*Canopy.* A roof-like structure typically permanent in construction that covers a doorway or entryway that extends from and is supported by

the building. A canopy may include a freestanding or projecting cover above an outdoor service area, such as an automobile service station.

*Changing-image sign.* Any sign that, through the use of moving structural elements, sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message. This includes electronic message centers and animated signs.

*Channel letter.* A fabricated or formed three-dimensional letter, number or symbol.



Channel letter

*Commercial message.* Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

*Commercial park.* A commercial, office, industrial, or mixed-use development comprised of (1) a single lot that contains multiple buildings or (2) multiple lots that are the subject of a PUD, annexation agreement, special use permit and/or subdivision plat.

*Commercial park entrance.* The point where a public right-of-way provides access into a commercial park, including any point where the public right of way intersects with a driveway cut(s) or private street(s) that provides access to a commercial park. Commercial park entrances are open to the general public and do not include access facilities for loading docks nor do they include access points from alleys.

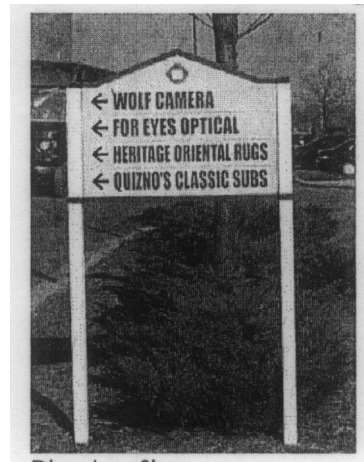
*Commercial use.* Any use listed under the zoning ordinance's "retail business use" major category grouping.

*Commercial zoning district.* All of the following zoning districts: C/B-1, C/B-2, C/B-2A, C/B EGG, C/S-1 and C/S-2.

*Construction sign.* Any sign identifying individuals or companies involved in design, construction, demolition, financing, or development when placed upon the premises where construction or development is ongoing.

*Directional sign.* A sign used to convey directions and other information for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, help wanted, public telephone, etc. Also included are signs on private property designed to direct pedestrians or vehicular traffic, such as "entrance" or "exit."

*Directory sign.* A wall or freestanding sign on a multitenant development site that is used to convey directions or tenant information to pedestrians and motorists who have entered the site.



Directory Sign

*Distinctive materials/design sign.* Custom-made signs that use only indirect lighting and do not include a raceway or visible electrical housing and that are constructed primarily of the following materials and methods:

- (1) Ceramic tile—painted or sandblasted;
- (2) Wood—carved or sandblasted;



- (3) Metal—formed, etched, cast, or engraved;
- (4) Brick or stone with recessed or raised lettering; or
- (5) Other similar high-quality, exterior-grade materials approved by the zoning administrator.



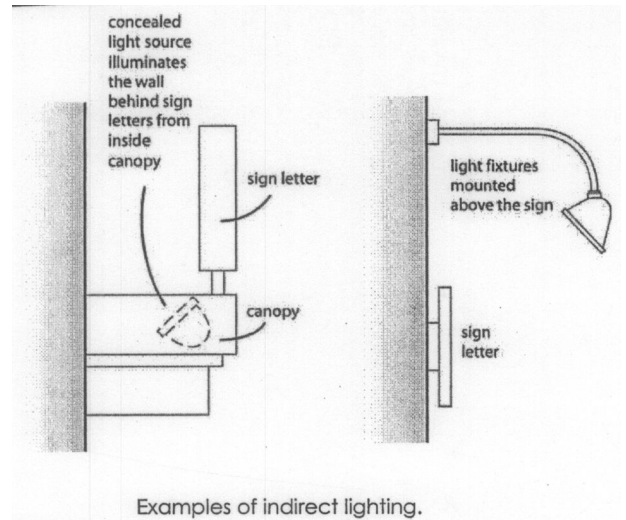
*Driveway.* An approved vehicle access point leading from public right-of-way to the subject property. Driveways are open to the general public and do not include access facilities for loading docks nor do they include access points from alleys or private streets. Same as "driveway entrance," "driveway access," and "entrance drive."

*Electronic message center.* A sign or component of a sign that uses changing lights of a single color to form a message or series of messages that are electronically programmed or modified by electronic processes.

*Flashing sign.* Any illuminated sign that contains an intermittent or flashing light source or that changes light intensity in sudden transitory bursts.

*Freestanding sign.* Any sign on a frame, pole or other support structure that is not attached to any building.

*Indirect lighting.* Illumination from a light source not contained within a sign or awning or halo or silhouette lighting that is not visible or exposed on the face of the sign.



*Industrial use.* A use listed under any of the following major category groupings of the zoning ordinance: "industrial uses," "land excavation and filling uses," or "warehouse and wholesale uses."

*Industrial zoning district.* All of the following zoning districts: I-1, I-2 and I-3.

*Internal lighting.* Illumination from a light source that is contained within a sign or awning.

*Menu board sign.* A sign displaying goods or services available through a drive-up window or available through a drive-in or drive-through establishment.

*Monument sign.* A freestanding sign where the base of the sign structure is on the ground or no more than 12 inches above the ground adjacent to the sign. Typically constructed of brick, wood, stone, or metal, monument signs have a base that is at least 80 percent of the width of the top of the sign structure.

*Moving sign.* Any sign that revolves, rotates, swings, undulates, or otherwise attracts attention by moving parts, whether operated by mechanical equipment or by natural sources, not including flags or banners.

*Multitenant development.* A development typically under unified ownership and control consisting of two or more business establishments. The tenants of multitenant development typically share vehicle access and parking facilities.

*Multitenant development sign.* A sign on the site of a multitenant development identifying the names of tenants or property owners, the address of the premises, and/or the name of any legal business that owns, controls, or manages a multitenant development.

*Multitenant commercial development.* A multitenant development where the majority of floor area is occupied or intended to be occupied by retail sales and service uses.

*Multitenant office development.* A multitenant development where the majority of floor area is occupied or intended to be occupied by office uses.

*Multitenant industrial development.* A multitenant development where the majority of floor area is occupied or intended to be occupied by industrial uses.

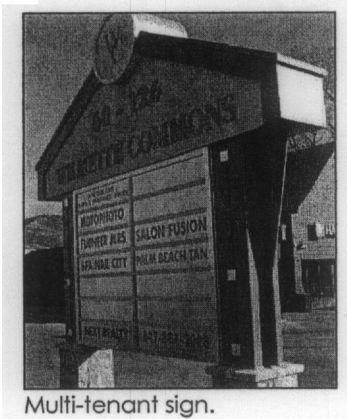
*Office use.* A use listed under any of the following major category groupings of the zoning ordinance: "health, medical and care facilities," "office uses," "office/research and light industrial uses," "recreation and social facilities," "service uses," or "miscellaneous uses," except that PUDs, listed under the "miscellaneous" major category grouping, must be classified according to the actual use of the property.

*Office zoning district.* All of the following zoning districts: C/O-1 and C/O-2.

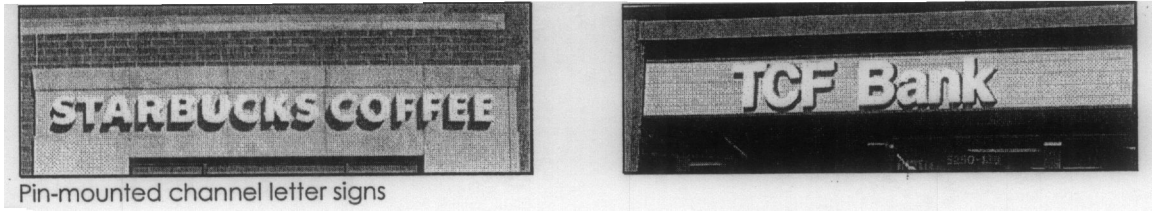
*Off-premises sign.* A sign that directs attention to a profession, business, activity, commodity, service or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.

*Outparcel.* A parcel of land, generally located on the perimeter of a larger parcel of commercial land that is subordinate to the larger parcel for access, parking and drainage purposes.

*Pin-mounted channel letter sign.* A wall sign mounted directly on the face of a building wall as individual letters, numbers, or symbols without a raceway or background other than the background provided by the building to which the sign is affixed. In order to qualify for the sign area ratios established for pin-mounted channel letter signs, pin-mounted channel letter signs must not be illuminated or be illuminated only by indirect lighting, halo lighting, or silhouette lighting. Pin-mounted channel letter signs with other forms of illumination are subject to raceway-mounted channel letter sign area ratios.



Multi-tenant sign.

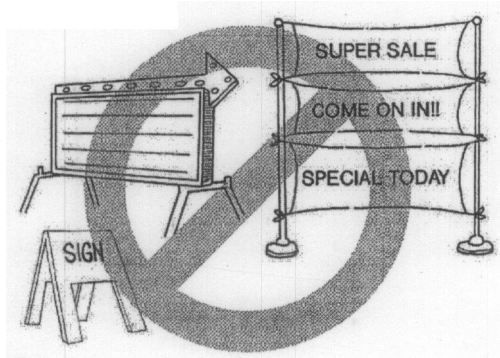


Pin-mounted channel letter signs

*Portable sign.* Any sign not permanently attached to the ground, a building or other structure that is not readily movable. Any sign attached to a sign structure that has wheels will be considered a portable sign, as well as any sign attached to a frame or other sign structure that is not permanently attached to the ground or a building.

*Public zoning district.* The P district.

*Projecting sign.* Any sign that is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached by more than 18 inches.



*Raceway.* A mounting bar or similar device that is used to attach channel letters to a building. Raceways often conceal the electrical components of channel letter signs.

*Public use.* A use listed under the "public, education or utility use" major category grouping of the zoning ordinance.

*Raceway-mounted channel letter signs.* A wall sign mounted on a raceway as individual letters, numbers, or symbols. Also includes channel letter signs mounted on a background other than the building wall. In order to qualify as a raceway-mounted channel letter sign, the raceway must be painted or otherwise designed to match or blend in with the color of the wall to which it is attached.





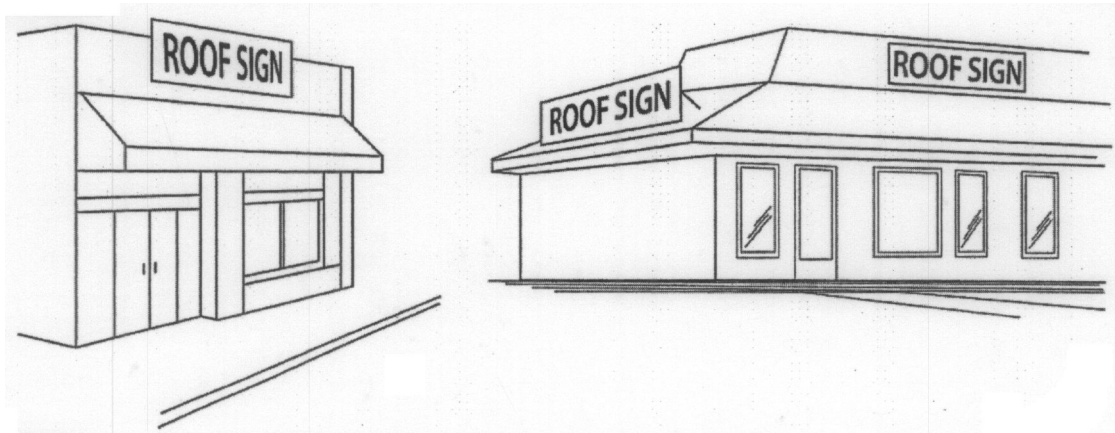
Raceway-mounted channel letter sign

*Reader board.* A sign that includes interchangeable letters and/or numbers, either illuminated or nonilluminated.

*Residential use.* A use listed under any of the following major category groupings of the zoning ordinance: "agricultural uses" or "residential uses."

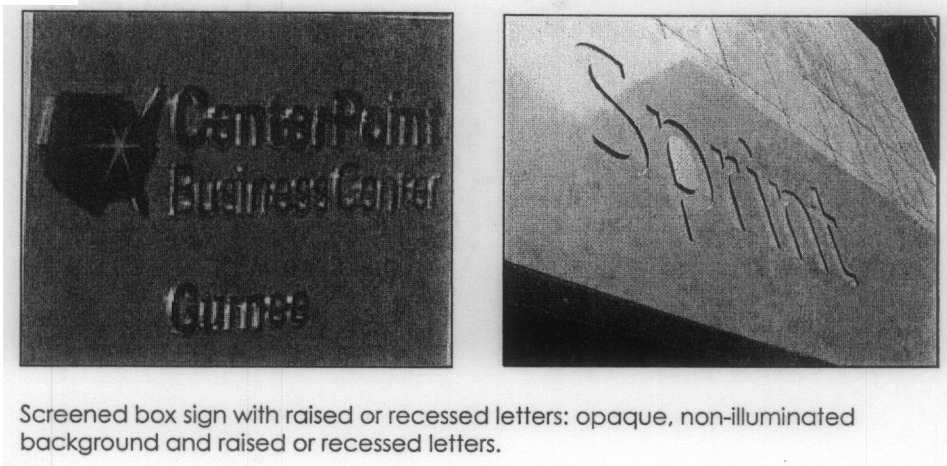
*Residential zoning district.* All of the following zoning districts: R-1, R-2, R-3, R-4, R-5 and R-6.

*Roof sign.* Any sign erected, constructed, and maintained above the parapet on a building with a flat roof or above the fascia board on a building with a pitched roof.



*Screened box signs with raised (push-through) or recessed letters.* A box sign with opaque (screened) background and lighting that highlights only the individual letters, symbols, or logos and on which

the letters, symbols, or logos are raised or recessed onto a different plane than the sign background, thereby giving a clearly distinguishable "dimensional" effect to the sign.



*Sign.* Any identification, description, illustration, or device illuminated or nonilluminated that is visible to the public from adjoining streets or adjoining properties and that directs attention to a product, service, place, activity, person, institution, business, or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, temporary sign, lights, balloons or other device designed to attract attention, advertise, identify or convey information. Building details that are an integral part of the overall architectural design of a building or works of art accessory to a building are not be considered signs.

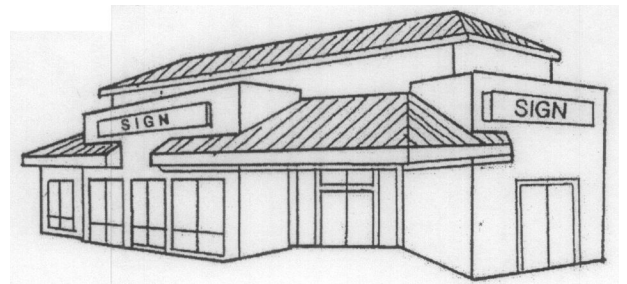
*Sign area.* The surface measurement of a sign as set forth in subsection 52-17(a).

*Sign structure.* Any structure that supports a sign, including decorative cover.

*Street frontage.* A lot line or the length of a lot line that is also the line of any public street right-of-way other than an alley. The street frontage of a lot or parcel that is legally created or described as extending to the center line of a street must be measured along the line that denotes the edge or boundary of the easement established for the street. The street must exist or the right-of-way must have been created for street purposes and may be a limited access or controlled access roadway but may not be a utility right-of-way, drainage way, park or railroad and may not be an alley.

*Temporary sign.* Any sign, banner, pennant, valance, or advertising display that by intent is not permanent, constructed of cloth, canvas, lightweight fabric, cardboard, wallboard, or other lightweight materials with or without frames, intended to be displayed for a short period of time only.

*Wall sign.* A single-faced sign attached generally flush or parallel to the wall of a building. (See also "rules for measuring wall area," subsection 52-17(c).)



*Window sign.* A sign posted, painted, placed, or affixed in or on a window exposed to public view. A sign that is interior to the building that faces a window exposed to public view that is located within 2 feet of the window face is a window sign for the purposes of calculating the total area of all window signs. Merchandise used in a window

display will not be considered a window sign. (See also "rules for measuring window area," subsection 52-17(c).)  
(Ord. No. 2008-39, § II(Exh. B), 5-5-2008)

Chapter 53

**RESERVED**





Chapter 54

**PLANNING\***

**Article I. In General**

- Sec. 54-1. Comprehensive plan adopted.
- Secs. 54-2—54-30. Reserved.

**Article II. Planning and Zoning Board**

- Sec. 54-31. Continuance; membership; term.
- Sec. 54-32. Chairman.
- Sec. 54-33. Establishment of board.
- Sec. 54-34. Members.
- Sec. 54-35. Term of office.

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\***Cross references**—Administration, ch. 2; buildings and building regulations, ch. 18; streets, sidewalks and other public places, ch. 66; subdivisions, ch. 70; utilities, ch. 82; vegetation, ch. 86; zoning, ch. 94.



## ARTICLE I. IN GENERAL

### Sec. 54-1. Comprehensive plan adopted.

The Gurnee Comprehensive Land Use Plan, 1997, prepared and recommended for adoption by the Gurnee plan commission and prepared with technical assistance from Rolf C. Campbell & Associates, Inc., Lake Bluff, Illinois and on file in the office of the village clerk is adopted as, and designated, The Official Comprehensive Land Use Plan, 1997 update, of the Village of Gurnee. (Code 1977, § 21.02)

### Secs. 54-2—54-30. Reserved.

## ARTICLE II. PLANNING AND ZONING BOARD\*

### Sec. 54-31. Continuance; membership; term.

The planning and zoning board of the village established by a previous ordinance is hereby authorized to continue. The planning and zoning board has consisted and shall continue to be composed of seven members appointed by the president of the village board with the majority consent of the village board. The members of the planning and zoning board shall receive an allowance for expenses and compensation for their time as may be provided for by the village board in their general salary ordinance. Members of the planning and zoning board serving at the time of adoption of any comprehensive amendment to the village zoning ordinance shall serve for the remaining term of their appointments or until their respective successors are appointed. All new and renewed terms of office for planning and zoning board members shall be for two years. (Ord. No. 2012-25, § II, 4-2-2012)

\***Editor's note**—Ord. No. 2012-25, § II, adopted April 2, 2012, amended article II in its entirety and renamed it from plan commission to planing and zoning board. Former article II pertained to similar subject matter and derived from Ord. No. 68-16, §§ 1—4, adopted July 1, 1968; Ord. No. 73-1, § 1, adopted February 19, 1973; Code 1977, § 21.01(a), (b).

**Cross reference**—Boards and commissions, § 2-351 et seq.

### Sec. 54-32. Chairman.

The village president, with majority consent of the village board, shall designate one of the members of said planning and zoning board as chairman.

(Ord. No. 2012-25, § II, 4-2-2012)

### Sec. 54-33. Establishment of board.

There is hereby created a planning and zoning board of the village, as provided by the Illinois Revised Statutes, 1967.

(Ord. No. 2012-25, § II, 4-2-2012)

### Sec. 54-34. Members.

The commission shall consist of a chairman and six other members, who shall be appointed by the president of the village board of trustees, with the consent of the village board of trustees. The commission, with the consent of the village board of trustees, may hire such secretarial or technical help as they deem necessary to accomplish their objectives.

(Ord. No. 2012-25, § II, 4-2-2012)

### Sec. 54-35. Term of office.

Members of the planning and zoning board serving at the time of adoption of any comprehensive amendment to the village zoning ordinance shall serve for the remaining term of their appointments or until their respective successors are appointed. All new and renewed terms of office for planning and zoning board members shall be for two years.

(Ord. No. 2012-25, § II, 4-2-2012)



Chapters 55—57

**RESERVED**





Chapter 58

**SECONDHAND GOODS\***

**Article I. In General**

Secs. 58-1—58-30. Reserved.

**Article II. Junkyards**

Sec. 58-31. Definitions.  
Sec. 58-32. License required.  
Sec. 58-33. Enclosures.  
Sec. 58-34. Location.  
Sec. 58-35. Setback lines.  
Sec. 58-36. Investigations.  
Sec. 58-37. Fees.  
Sec. 58-38. Frontage consents.  
Sec. 58-39. Stolen goods.  
Sec. 58-40. Minors.  
Secs. 58-41—58-60. Reserved.

**Article III. Reserved**

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\***Cross reference**—Businesses, ch. 22.



## ARTICLE I. IN GENERAL

**Secs. 58-1—58-30. Reserved.**

## ARTICLE II. JUNKYARDS

### Sec. 58-31. Definitions.

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

*Junkyard* means any place where miscellaneous junk, rags, paper or bagging, old metal or iron, secondhand furniture, old rope or empty bottles are kept upon premises either entirely outside of buildings or partly within and partly without the confines of buildings. Junkyards shall also include automobile salvage yards where automobiles are wrecked, parts sold, and the balance disposed of for junk. It shall not be construed to include an automobile sales yard wherein no cars are wrecked.

*Junk shop* means any place where secondhand furniture, junk, clothing, jewelry, rags, papers, old metal, or where automobiles are wrecked, parts sold and the balance disposed of for junk, and miscellaneous articles of personal property are bought or sold, and where all such articles are kept in a building or buildings. This definition does not include sale of secondhand furniture where such furniture is taken in on trade by a dealer and disposed of, such business not being the main business in which the dealer or seller is engaged. Nor shall this definition include any person engaged in the buying and selling of strictly antique furniture.

(Code 1977, § 32.01(a))

**Cross reference**—Definitions generally, § 1-2.

### Sec. 58-32. License required.

It shall be unlawful to operate, maintain or carry on the business of keeper of a junk shop, store, yard or place without a license for such business.

(Code 1977, § 32.01(b))

### Sec. 58-33. Enclosures.

It shall be unlawful for any place of business operating as a junk shop to keep, maintain or place any of its articles of business outside the building from which the business is operated. All places operating as junkyards shall keep and maintain all such articles of that business, including automobiles in a damaged condition which are to be dismantled or repaired, rebuilt or stored, within the confines of an enclosure. The enclosure shall be a wooden fence at least six feet high, or eight feet high and solid and opaque in the case of an automobile salvage yard, with the space at the bottom of the fence from the base of the fence boards to the ground not greater than one foot at any point along the fence, with the boards spaced not more than two inches apart along the fence. A fence constructed of corrugated iron may be used subject to the height and space regulations provided for wooden fences. Every fence shall be kept painted and no advertising other than that relative to the business on which the fence is located shall be displayed thereon.

(Code 1977, § 32.01(c))

### Sec. 58-34. Location.

The location of any junk shop or junkyard shall be governed by the zoning and building regulations of the village.

(Code 1977, § 32.01(d))

### Sec. 58-35. Setback lines.

It shall be unlawful to set any enclosure or fence described in section 58-33 nearer than 15 feet to the abutting property lines and where the premises in question abut on any highway, street or road, nearer than 200 feet thereto, provided, however, that the setback for automobile salvage yards shall be as provided in the zoning ordinance.

(Code 1977, § 32.01(e))

### Sec. 58-36. Investigations.

Upon receipt of an application for a license, the village clerk shall refer such application to the village administrator for making an investigation or inspection. The village administrator may make the inspection or may order the building commis-

sioner to make the inspection. The report of such inspection or investigation, favorable or otherwise, shall be made within five days after receiving the application or copy thereof and shall be made to the village clerk who, if the report is favorable, shall issue the license.

(Code 1977, § 32.01(f))

**Sec. 58-37. Fees.**

The fee to be paid for such annual license shall be as set forth in section 32-32.

(Code 1977, § 32.01(g); Ord. No. 2013-40, § X, 8-19-2013)

**Sec. 58-38. Frontage consents.**

It shall be unlawful for any new or proposed place of business to keep, store or maintain any junk yard or junk shop unless the written consents of 51 percent of the property owners within a radius of 1,200 feet of such new or proposed place of business shall first be obtained in writing and filed with the application for such license.

(Code 1977, § 32.01(h))

**Sec. 58-39. Stolen goods.**

Every keeper of a junk shop or a junkyard, who shall receive or be in possession of any goods, articles or things of value, which may have been lost or stolen shall upon demand produce such article or things to any member of the police department for examination.

(Code 1977, § 32.01(i))

**Sec. 58-40. Minors.**

It shall be unlawful for any keeper of any junk shop or junkyard to make purchases or receive any articles of value from any minor without the written consent of his parent or guardian.

(Code 1977, § 32.01(j))

**Secs. 58-41—58-60. Reserved.**

**ARTICLE III. RESERVED\***

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\***Editor's note**—Section I of Ord. No. 2008-11, adopted February 4, 2008, repealed art. III, §§ 58-61—58-66, which pertained to scavengers and derived from § 32.02 of the 1977 Code.

Chapters 59—61

**RESERVED**



## Chapter 62

### **SOLID WASTE COLLECTION AND REGULATIONS\***

- Sec. 62-1. Purpose.
- Sec. 62-2. Definitions.
- Sec. 62-3. Prohibited acts and conditions.
- Sec. 62-4. Residential waste, refuse, recyclable materials, and landscape waste.
- Sec. 62-5. Exclusive commercial franchise license and other licenses.
- Sec. 62-6. Responsibilities of commercial establishments.
- Sec. 62-7. Penalties and enforcement.

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**\*Editor's note**—Section II of Ord. No. 2008-11, adopted February 4, 2008, amended ch. 62 in its entirety to read as herein set out. Former ch. 62 pertained to similar subject matter, consisted of §§ 62-1—62-5, 62-31, 62-32, and derived from §§ 13.01—13.07 of the 1977 Code.

**Cross references**—Animals waste, § 14-3; buildings and building regulations, ch. 18; utilities, ch. 82.





**Sec. 62-1. Purpose.**

The purpose of this chapter is to provide for the protection and promotion of public health, safety and welfare through the establishment of regulations and standards for the safe and sanitary disposal of solid waste, garbage, refuse, litter and recyclable materials within the village. (Ord. No. 2008-11, § II, 2-4-2008)

**Sec. 62-2. Definitions.**

For purposes of this chapter, the following words shall have the meanings indicated:

*Commercial compactor:* A fully enclosed metal, watertight receptacle normally supplied by a scavenger service company.

*Commercial establishment:* Any individual, business or entity of any kind which generates commercial waste, refuse or recyclable materials.

*Commercial franchise agreement:* The agreement if any, between the village and any person engaged in the business of scavenger for the exclusive provision of solid waste and recycling services for commercial, and industrial buildings located within the village.

*Commercial franchise licensee:* The person with whom the village has entered into a commercial franchise agreement.

*Commercial grease:* Waste fats and oils created by the preparation of food by a food vendor of any size.

*Commercial scavenger license:* A license issued by the village for the pick up of commercial waste and recyclable materials.

*Commercial scavenger licensee:* Any refuse collection firm licensed by the village providing removal of commercial waste, refuse and recyclable materials from apartment buildings, stores, offices, industries, hotels, restaurants, hospitals, healthcare facilities and other places. The firm is responsible for delivering the collected material to a state permitted transfer station or landfill.

*Commercial waste:* Generated by businesses, offices, restaurants, retailers, institutions and apartments located in or as part of commercial buildings and other apartments not included in

the definition of "residential unit" as defined herein; includes combustible trash, including, but not limited to, paper cartons, boxes, barrels, wood, packaging material, wood furniture, bedding; non-combustible trash, including, but not limited to, food waste, metals, tin cans, metal furniture, glass, crockery, other mineral waste or street refuse. This does not include "temporary construction roll-off containers" as defined herein.

*Director of department of public works:* The appointed director of the department of public works, or his or her designee.

*Disinfect:* Misting the metal, plastic or wood interior of commercial refuse and recycling containers with a bleach and water solution of sufficient strength to destroy harmful bacteria, viruses, etc.

*Dumpster area:* The enclosed area where commercial waste, refuse, recyclable materials, grease containers, dumpsters or compactors are stored.

*Exclusive commercial franchise license:* The license issued by the village pursuant to section 62-5(b).

*Grease container:* An enclosed, leak-proof receptacle located inside or outside a food establishment for the storage of commercially generated grease.

*Landscape waste:* Grass clippings; leaves; branches and brush; other yard and garden trimmings; vines; garden plants and flowers; weeds; tree droppings (for example, pine cones and crab apples); and other similar organic waste materials accumulated as the result of the cultivation and maintenance of lawns, shrubbery, vines, trees, and gardens.

*Landscape waste bags, bundles or containers:* Shall include biodegradable, two-ply paper bags designed for landscape waste collection; watertight, reusable waste container labeled "Yard Waste Only" or "Landscape Waste Only"; and securely tied bundles of brush or branches not exceeding two feet in diameter, and four feet in length with no individual branch exceeding three inches in diameter.

*Recyclable materials:* Materials that would otherwise become residential or commercial waste,

including, but not limited to, metals, glass, paper and plastics, which are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

*Recycling, reclamation, of refuse:* A method, technique, or process designed to remove any contaminant from waste so as to render such waste reusable, or any process by which materials that would otherwise be disposed of or discarded are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

*Refuse:* Wastes resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage and sale of produce. Also includes all types of loose waste materials which can be held in "containers" as defined herein. The terms "garbage", "solid waste", "trash", and "waste" are synonymous with refuse unless otherwise more specifically defined (for example, "landscape waste").

*Residential unit:* An individual living unit, including, without limitation, single-family detached homes, town homes, condominiums, and apartments in buildings with eight units or less.

*Residential waste:* All discarded and unwanted putrescible and nonputrescible household and kitchen wastes, including, but not limited to, food, food residues, and materials necessarily used for packaging, storing, preparing, and consuming same, usually defined as "garbage"; and all combustible and noncombustible waste materials resulting from the routine of domestic housekeeping, including, but not limited to, medical waste generated as general household waste, metal, cold ashes; furniture, furnishings, and fixtures; small household appliances of all kinds; textiles and leather; dead animals and animal waste; toys and recreational equipment; and similar items. Residential waste shall specifically exclude any hazardous substance, hazardous waste, industrial process waste, hazardous hospital waste, landscape waste, pollution control waste, potentially infectious medical waste, special waste, and used oil, all as defined by Illinois law from time to time.

*Restaurant:* All establishments where waste is generated through the preparation and sale of food.

*Shared dumpster:* When two or more separate businesses utilize the same dumpster, compactor or dumpster space. This includes separate businesses within the same building, as well as in separate buildings.

*Temporary construction roll-off containers:* Containers used exclusively during construction and/or remodeling.

*Waste container:* A tightly covered metal, or plastic, watertight receptacle.

*White goods:* All discarded refrigerators, ranges, water heaters, freezers, air conditioners, humidifiers, and other similar domestic and commercial large appliances.

*White goods' components:* Includes any:

- (1) Chlorofluorocarbon refrigerant gas;
- (2) Any electrical switch containing mercury; and
- (3) Any device that contains or may contain PCBs in a closed system, such as a dielectric fluid for a capacitor, ballast or other component.

(Ord. No. 2008-11, § II, 2-4-2008; Ord. No. 2014-15, § I, 4-7-2014)

**Sec. 62-3. Prohibited acts and conditions.**

(a) *Uncovered residential or commercial waste, refuse and recyclable materials.* It shall be unlawful to place or permit to remain anywhere in the village any residential or commercial waste, refuse and recyclable materials except in containers complying with the provisions of this chapter.

(b) *Deposits on streets.* It shall be unlawful to deposit or permit any residential or commercial waste, refuse or recyclable materials to fall from any vehicle on any public street or alley in the village provided that this provision shall not be construed to prohibit placing residential or commercial waste or refuse in a container complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided herein.

(c) *Windblown refuse.* It shall be unlawful to cause or permit to accumulate any refuse, dust or ashes that can be blown away by the wind unless properly disposed of in a sealed container.

(d) *Consent of owner.* It shall be unlawful to dump or place any residential or commercial waste, refuse or recyclable materials on any premises in the village without the consent of the owner of such premises.

(e) *Container.* It shall be unlawful to dispose of any residential or commercial waste, refuse or recyclable materials in the village except in a container complying with the provisions of this chapter.  
(Ord. No. 2008-11, § II, 2-4-2008)

**Sec. 62-4. Residential waste, refuse, recyclable materials, and landscape waste.**

(a) *Residential waste collection.*

- (1) Residential waste and refuse shall be collected from all premises at least once each week.
- (2) Containers complying with the provisions of this chapter shall be placed by the residents the evening before the day of collection at the curb of the street from which collections of residential waste and refuse are being made.
- (3) All containers shall be removed from the street by 12:00 noon of the day following collection.
- (4) All residential waste and refuse shall be disposed of at a waste disposal site approved by the Illinois Environmental Protection Agency.

(b) *Contract for residential waste pick-up and disposal.*

- (1) The village may, with the approval of the village board of trustees, enter into one or more contracts for residential waste, refuse, recyclable materials, and landscape waste pick-up and disposal throughout the village which shall entitle the contractor to the exclusive right to pick up said materials.

(c) *Landscape waste collection.*

- (1) For those not participating in the seasonal yard waste program, all landscape waste bags, bundles or containers must have an approved sticker affixed, identifying the material as landscape waste.

(d) *Mixing landscape waste with residential waste.* It shall be unlawful to mix landscape waste in the same container as residential waste, refuse, or recyclable materials for disposal.

(e) *Recyclable materials collection.*

- (1) Recyclable materials must be placed in a container provided by the contracted service provider suitable for preventing debris from being spilled by wind, animals or other interference.
- (2) Recyclable materials must be placed at the street or at the curb from which collections are being made by the residents no earlier than 24 hours before the scheduled pick-up.
- (3) All containers shall be removed from the street by 12:00 noon of the day following pick-up.

(f) *Ownership.* All residential waste, refuse, recyclable materials and landscape waste shall become and be the property of the contracted service as soon as the same is placed in the collection vehicle.

(g) *Disposal of white goods.* No person shall knowingly put out for collection or collect white goods for the purpose of disposal by landfilling.  
(Ord. No. 2008-11, § II, 2-4-2008)

**Sec. 62-5. Exclusive commercial franchise license and other licenses.**

(a) *Collection by a village-licensed commercial scavenger.*

- (1) All commercial establishments shall be responsible for contracting for collection of commercial waste, refuse, or recyclable materials from a commercial scavenger licensee that is licensed by the village as provided for herein.

(b) *Exclusive commercial franchise license.*

- (1) There shall be one village scavenger license. authorizing the collection of garbage from, and the provision of refuse disposal services to, commercial and industrial buildings located within the village. The license provided in this subsection shall only be issued to the commercial franchise licensee.
- (2) Except as provided in subsection (c). the commercial franchise licensee shall collect garbage from, and provide refuse disposal services to, all commercial and industrial buildings in the village, in accordance with the commercial franchise agreement.

(c) *Exemptions from exclusive commercial franchise license.* Notwithstanding any provision of the chapter to the contrary, the commercial franchise licensee shall not collect garbage, or provide refuse disposal services to the following:

- (1) Single-family. multi-family and townhome dwellings within the village except where a multi-family or townhouse property has requested and qualifies for participation in the agreement; and,
- (2) Institutional buildings except where the institutional property has requested and qualifies for participation in the agreement; and,
- (3) Any person or legal entity occupying any commercial building may file a written request with the village administrator for an exemption from service from the commercial franchisee. The request should be accompanied by appropriate documentation specifying and demonstrating the circumstances that necessitate the exemption. which may include, without limitation:
  - a. The requestor's business is subject to corporate contract for multi-unit scavenger services, the provisions of which are outside the requestor's control;
  - b. The requester is subject to a written and binding contract with a scavenger previously licensed by the vil-

lage, which contract was effective prior to March 1, 2014. If the exemption is granted in connection with this section, the exemption shall terminate upon the expiration of the requestor's contract.

- c. The requestor's business requires a specialized solid waste or recycling service that the commercial franchisee is unable to provide; or
- d. An exceptional hardship is demonstrated, which may also include comprehensive recycling service provided through their current scavenger contract.

(4) Within 30 days after receipt of a request for an exemption the village administrator shall either grant or deny the exemption in the village administrator's sole and absolute discretion.

(5) Any person or entity to whom an exemption has been granted shall obtain commercial services only from a scavenger that is licensed by the village.

(6) Any person or entity denied an exemption under these provisions may appeal the denial in writing to the village board within 10 days after the date of the village administrator's written denial.

(d) *Commercial scavenger licenses.*

(1) It shall be unlawful for any person, firm or corporation or other entity to engage in the business of scavenging or recycling, or the collection or disposal of commercial waste, refuse or recycling materials without first having secured a commercial scavenger license from the village as provided in this section.

(2) Commercial scavenger licenses shall be effective from May 1 to April 30 of the following year. The annual fee for a commercial scavenger license shall be as set forth in section 32-32. The fee is nonrefundable and shall be applicable irrespective of when an applicant submits an application for a commercial scavenger license.



- (3) There is no limit on the number of commercial scavenger licenses that may be issued by the village for specialized services. Applications for such licenses shall be made to the village clerk on forms and in a manner prescribed by the village clerk. Commercial scavenger licenses shall be issued only upon the order of the village administrator or his/her designee.
- (4) The village administrator shall have the right to deny a commercial scavenger license to an applicant in the absence of reasonable proof necessary to evidence the applicant's ability to comply with, or past compliance with, the provisions of this chapter or any other code provision or ordinance of the village.
- (5) A commercial scavenger licensee shall provide the village, within 14 business days of the village's request, with copies of records pertaining to their collection of commercial waste, refuse, recyclable materials, and landscape waste within the village, including, but not limited to, vehicle information, the addresses of village customers, receipts, and complaints.
- (e) *Liability insurance required.* No license shall be issued until the commercial scavenger applicant has filed with the village administrator a certificate or other evidence that the applicant carries insurance of the following types of at least the limits specified below:
- (1) Workers' compensation: Statutory as amended from time to time.
  - (2) Employer's liability: \$500,000.00.
  - (3) Bodily injury liability except automobile: \$1,000,000.00 each occurrence, \$5,000,000.00 aggregate.
  - (4) Property damage liability, except automobile: \$1,000,000.00 each occurrence, \$1,000,000.00 aggregate.
  - (5) Automobile bodily injury liability: \$1,000,000.00 each person, \$5,000,000.00 each occurrence.
  - (6) Automobile property damage: \$1,000,000.00 each occurrence.
  - (7) Comprehensive general liability: \$1,000,000.00 each occurrence, \$5,000,000.00 aggregate.
- Further, the village shall be named as a "certificate holder" on all coverage set forth above, except workers' compensation and professional liability. Licensees and franchisees shall furnish the village a certificate of insurance for the insurance amounts required by ordinance or franchise agreement.
- (f) *Equipment; inspection.*
- (1) *Licensee equipment.* Every commercial scavenger licensee must demonstrate that it has adequate and sufficient equipment to render service to any customer requesting service in accordance with the requirements of this subsection.
  - (2) *Truck and refuse container inspection.* All commercial scavenger licensee trucks and refuse containers shall be subject to inspection and approval by the village.
  - (3) *Truck requirements.* No commercial scavenger licensee's truck shall be operated unless it is a modern enclosed leak-proof truck with a load packer. Such equipment shall be cleaned at sufficient frequency to prevent nuisance and insect breeding and shall be maintained in good condition and repair. All commercial scavenger licensee trucks will be clearly identified with the name of the scavenger.
  - (4) *Container requirements.* Refuse containers must have a tight-fitting cover, be in a state of good repair, be leak-proof, free from rust and periodically painted. The name of the commercial scavenger licensee must be clearly visible on the container. Covers for the storage of trade and construction waste shall not be necessary. The use of drums as refuse bins is prohibited. The village shall determine whether the requirements set forth in this section have been met by a commercial scavenger licensee.
  - (g) *Ownership.* All commercial waste, refuse, recyclable materials and landscape waste shall become and be the property of the commercial scavenger as soon as the same is placed in the collection vehicle.

(h) *Mixing landscape waste with commercial waste.* It shall be unlawful to mix landscape waste in the same container as commercial waste, refuse, or recyclable materials for disposal.

(Ord. No. 2008-11, § II, 2-4-2008; Ord. No. 2013-40, § XI, 8-19-2013; Ord. No. 2014-15, § II, 4-7-2014)

**Editor's note**—Ord. No. 2014-15, § II, adopted April 7, 2014, amended the title of § 62-5 to read as set out herein. Previously § 62-5 was titled commercial waste, refuse, and recyclable materials collection.

#### **Sec. 62-6. Responsibilities of commercial establishments.**

(a) *Cleanliness of enclosures.* Special attention is to be paid by commercial establishments to enclosures located adjacent to public walkways. Enclosures are to be kept free of debris and spillage at all times and odors shall be minimized so as not to be objectionable. The village may direct the owner or manager of a commercial establishment to relocate refuse and/or grease containers causing objectionable odors and/or to take such other steps necessary to resolve the issue. Enclosure doors are to be kept closed. It is the responsibility of the owner to keep all material, including grease, off public walkways and clean such walkways and enclosures if any spillage occurs.

(b) *Commercial grease collection and storage.* All commercial establishments which sell or provide food are required to collect and dispose of food-generated grease separately from refuse, recyclables and wastewater. Grease is to be collected in a leak-proof container kept inside or outside the establishment. Outside containers must be kept on a nonpermeable surface (such as sealed asphalt or concrete) and the area must be kept clean at all times. Collection of grease must be made monthly or more frequently to prevent objectionable odors and unsanitary conditions and disposed of appropriately. In the event that the director of the department of public works determines that collections should be made at a particular commercial establishment more frequently in order to protect the health, welfare and safety of the community, the director of the department of public works shall work with the owner or management of such establishment to determine the frequency of grease collections that are needed

and the time period such additional collections will be required. Leakage of liquids of any type from a commercial grease container is strictly prohibited.

(Ord. No. 2008-11, § II, 2-4-2008)

#### **Sec. 62-7. Penalties and enforcement.**

(a) Any person or entity that violates, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall be fined not less than \$200.00 nor more than \$750.00 for each offense. Each day that a violation exists shall constitute a separate offense. In addition, the village may suspend or revoke the license of a commercial scavenger and/or abate the violation by any means available to the village.

(b) The fact that residential waste, commercial waste, refuse, or landscape waste remains on any residential or commercial occupant's premises in the village in violation of this chapter shall be prima facie evidence that the occupant of such premises is responsible for such violation.

(c) In addition to the remedies provided above, the village may give notice in writing to a commercial establishment that it is in violation of any provision of this chapter. The notice shall specify the violation and what needs to be done to correct it and shall set a specified period of time for abatement of the violation by the property owner or occupant. In the event that the violation is not corrected within the time prescribed, the village may proceed to abate such violation, keeping an account of the expense of the costs of the abatement, and such expense shall be charged and paid by the owner or occupant of the commercial establishment.

(Ord. No. 2008-11, § II, 2-4-2008)



Chapters 63—65

**RESERVED**



## Chapter 66

### **STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

#### **Article I. In General**

- Sec. 66-1. Obstructing or altering drains and ditches.
- Sec. 66-2. Drainage onto streets or sidewalks.
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#### **Article II. Streets**

##### Division 1. Generally

- Sec. 66-31. General supervision.
- Sec. 66-32. Acceptance of streets.
- Sec. 66-33. Names of streets.
- Sec. 66-34. Numbering buildings.
- Sec. 66-35. Encroachments on streets.
- Sec. 66-36. Obstructing streets.
- Sec. 66-37. Merchandise on streets.
- Sec. 66-38. Construction materials in streets.
- Sec. 66-39. Advertising on streets.
- Sec. 66-40. Debris in streets.
- Sec. 66-41. Protection of work in streets; permit for barricades.
- Sec. 66-42. Encroachments on state right-of-way.
- Secs. 66-43—66-60. Reserved.

##### Division 2. Construction

- Sec. 66-61. Design criteria.
- Sec. 66-62. Supervision of work.
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- Sec. 66-64. Application for permit.
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##### Division 3. Excavations

- Sec. 66-86. Permit required.
- Sec. 66-87. Deposit.
- Sec. 66-88. Bond and insurance.
- Sec. 66-89. Restoring surface.
- Sec. 66-90. Continuous bond.

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**\*Cross references**—Any ordinance establishing, dedicating, accepting the dedication of, naming, establishing, grading, naming, improving, altering, locating, opening, paving, widening, vacating, etc., any street, alley, sidewalk, public way, public park or public grounds in the village saved from repeal, § 1-19(a)(4); any ordinance levying or imposing taxes or special assessments, or authorizing tax fund transfers, not inconsistent with this Code saved from repeal, § 1-19(a)(6); any ordinance providing for local improvements and assessing taxes for such improvements saved from repeal, § 1-19(a)(9); buildings and building regulations, ch. 18; street obstructions for fire prevention, § 34-5; loafing on street corners, public places, § 46-33; peddlers and solicitors, ch. 50; peddling, hawking, or soliciting on streets, § 50-38; planning, ch. 54; refuse in streets and alleys, § 62-4; subdivisions, ch. 70; design standards for streets in subdivisions, § 70-231 et seq.; required facilities and landscaping for sidewalks in subdivisions, § 70-401; required facilities and landscaping for street trees in subdivisions, § 70-402; engineering specifications for streets in subdivisions, § 70-451 et seq.; traffic and vehicles, ch. 78; operation of vehicles on through streets and stop intersections, § 78-61; one-way streets and alleys, § 78-69; utilities, ch. 82; vegetation, ch. 86; interference or obstruction of vegetation to streets, sidewalks or public places, § 86-33; zoning, ch. 94.

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Secs. 66-91—66-105. Reserved.

Division 4. Moving Structures

Sec. 66-106. Moving structures.

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**Article IV. Parades and Motorcades**

Sec. 66-161. Definitions.

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Sec. 66-167. Contents of permit.

Sec. 66-168. Appeal procedure.

Sec. 66-169. Official to be notified.

## ARTICLE I. IN GENERAL

### Sec. 66-1. Obstructing or altering drains and ditches.

No person shall alter or obstruct any drain, ditch, gutter, or culvert in any public street or alley without a permit from the director of public works.

(Code 1977, § 5.20)

### Sec. 66-2. Drainage onto streets or sidewalks.

It shall be unlawful to construct or permit the construction of any stormwater drain or air conditioner drain which discharges water onto any sidewalk in the village. It shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than 18 inches above the ground or pavement.

(Code 1977, § 5.21)

### Secs. 66-3—66-30. Reserved.

## ARTICLE II. STREETS

### DIVISION 1. GENERALLY

#### Sec. 66-31. General supervision.

All public streets, alleys, sidewalks and other public ways shall be under the supervision of the director of public works. The director of public works 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 exercise such authority.

(Code 1977, § 5.01)

#### Sec. 66-32. Acceptance of streets.

(a) The board of trustees prior to accepting any street or alley for care, maintenance and control thereof by the village, shall obtain a recommendation from the village engineer regarding construction and conditions of such street or alley as to whether such street or alley was constructed

according to approved plans and specifications and also conforms to the village codes and design criteria as set by the board of trustees from time to time.

(b) If the recommendation from the village engineer is favorable, the board of trustees shall then act on the acceptance thereof, as in their discretion they see fit. Interested parties shall be notified of the action of the board within ten days of the meeting.

(c) If the board of trustees shall fail to accept the street or alley, a report thereof with the requirements and conditions to be complied with shall be furnished in writing to the interested parties within ten days from the board meeting.

(d) If the village engineer shall fail to act or cannot agree on a recommendation, the board of trustees may make their own investigation and act thereon accordingly.

(Code 1977, § 5.02)

#### Sec. 66-33. Names of streets.

All streets of the village shall be known and designated by the names applied hereto, respectively, on the map of the village kept on file in the office of the village engineer, and the street names designated on such map shall continue to be the names of streets unless and until changed by ordinance of the board of trustees. Generally, all east-west roads shall be designated avenues, and north-south roads shall be designated streets.

(Code 1977, § 5.04)

#### Sec. 66-34. Numbering buildings.

All buildings on streets of the village shall be numbered by the village engineer in accordance with the village map prepared by the village engineer, which map shall be kept on file in the office of the village clerk.

(Code 1977, § 5.05)

**Cross reference**—Buildings and building regulations, ch. 18.

#### Sec. 66-35. Encroachments on streets.

(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 of trustees shall require. The board in its discretion may issue or deny the permit, and may impose any conditions to such permit as it deems appropriate.

(b) Awnings made of pliable substance attached to a building and extending not less than eight 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.  
(Code 1977, § 5.07)

#### **Sec. 66-36. Obstructing streets.**

(a) No person shall obstruct or endanger the free passage or proper use of the public on any street, sidewalk, alley, or public place except for a block party that is permitted by the director of public works or his designee. Major or secondary thoroughfares shall not be blocked by such activities. Each permit shall be issued for a period not to exceed the hours of 10:00 a.m. to midnight.

(b) No person shall shovel, plow or otherwise place snow or cause or permit the shoveling, plowing, or placing of snow, from a private driveway, parking lot, or other private property upon any highway, street or sidewalk so as to hinder, obstruct, impede or otherwise interfere in any way with the movement of traffic upon such street, highway, or sidewalk.

(c) If such snow is not immediately moved or removed by the owner, occupant or agent so placing it on the street, highway or sidewalk after being advised by an authorized official or police officer to do so, then the village may charge the owner, occupant or agent with any expenses which may be incurred by the village in the removal thereof. Such expenses shall be collected by the village in addition to a fine or penalty as set forth in this Code.

(d) Any person found in violation of this section shall be fined not less than \$25.00 nor more than as provided in section 1-11. Each day such offense shall continue shall constitute a distinct and separate offense.

(Code 1977, § 5.08; Ord. No. 2014-37, § I, 7-7-2014)

#### **Sec. 66-37. Merchandise on streets.**

(a) No person shall use any street, sidewalk or other public place as space for the display of goods or merchandise for sale without a permit from the zoning administrator.

(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 totally obstructed.

(Code 1977, § 5.09)

#### **Sec. 66-38. Construction materials in streets.**

No person shall place any construction materials on or over any street, sidewalk or public place without a permit therefor from the village engineer. The permittee shall conform to all conditions the village may impose upon granting of the permit.

(Code 1977, § 5.10)

#### **Sec. 66-39. Advertising on streets.**

No person shall paint or post any signs or bills on any streets, poles or other structures in any street or on the surface of any street or sidewalk.

(Code 1977, § 5.11)

#### **Sec. 66-40. Debris in streets.**

(a) No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park or public place, except construction materials and merchandise as permitted under this chapter, or as may be permitted by the director of public works.

(b) Any person violating this section shall be liable for the cost of removal of the foreign matter in addition to the penalty provided for violation of this Code.

(Code 1977, § 5.12)

**Sec. 66-41. Protection of work in streets; permit for barricades.**

(a) Any person constructing or repairing, or making any excavation in or tunnel under, or placing any material on or over any street, sidewalk or other public place shall maintain suitable





barricades and other protective devices as shall properly prevent injury to any person or property. Suitable lights shall be maintained during the nighttime to warn the public. No unauthorized person shall interfere with or disturb any such protective devices.

(b) A permit shall be secured from the village engineer 24 hours in advance of placing any barricades in any street.  
(Code 1977, § 5.14)

**Sec. 66-42. Encroachments on state right-of-way.**

(a) No person, firm, corporation or other entity shall install, place, maintain or construct any structure that encroaches upon a State of Illinois right-of-way within the village.

(b) Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the village.  
(Ord. No. 2008-65, § I, 9-8-2008)

**Secs. 66-43—66-60. Reserved.**

DIVISION 2. CONSTRUCTION

**Sec. 66-61. Design criteria.**

All pavement, street, sidewalk and alley construction and design criteria within the village shall conform to the requirements outlined in the village subdivision ordinance or specifications and guidelines from time to time approved and adopted by resolution of the board of trustees.  
(Code 1977, § 5.03(a))

**Sec. 66-62. Supervision of work.**

Repair work on pavements and new construction, whether done by the village or the abutting owner, shall be under the supervision of the village engineer or director of public works.  
(Code 1977, § 5.03(b))

**Sec. 66-63. Permit.**

It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or

other public way, or to repair such street, sidewalk, alley or other public way, without having first secured a permit therefor.  
(Code 1977, § 5.03(c))

**Sec. 66-64. Application for permit.**

Applications for permits required by this division shall be made to the village engineer and shall state the location of the intended pavement or repair, the extent thereof, and the person who is to do the actual construction work, and shall be accompanied by a permit fee of \$25.00.  
(Code 1977, § 5.03(d))

**Sec. 66-65. Approval of permit.**

No permit required by this division shall be issued except on order of the village engineer.  
(Code 1977, § 5.03(e))

**Sec. 66-66. Bond and insurance.**

Each applicant for a permit required by this section shall file a certificate of insurance, listing the village as the certificate holder and additional insured, and bond with the permit application with the following minimum amounts:

Under General liability:

Each occurrence	\$1,000,000.00
General aggregate	\$2,000,000.00

Under workers compensation

\$ 500,000.00

License and/or permit bond

(Indemnity/Surety) \$ 10,000.00

(Code 1977, § 5.03(f); Ord. No. 2000-58, § 1(5.03(f)), 5-1-2000)

**Secs. 66-67—66-85. Reserved.**

DIVISION 3. EXCAVATIONS

**Sec. 66-86. Permit required.**

No person shall excavate in or tunnel under any street, alley, sidewalk or other public place in

the village without first securing a permit at least 24 hours in advance of such work from the village engineer.  
(Code 1977, § 5.13(a))

**Sec. 66-87. Deposit.**

No permit required by this division shall be issued unless the applicant files with the village clerk a cash deposit or bond in an amount not less than \$100,000.00 to ensure that the surface of such public place shall be restored to its original condition upon completion of the work. The deposit or bond shall be held by the clerk until the village engineer certifies to him that the street has been properly repaired.  
(Code 1977, § 5.13(b))

**Sec. 66-88. Bond and insurance.**

No permit shall be issued for making any excavation or tunneling in, on, or under any public way, unless there shall be filed with the permit application a certificate of insurance, listing the village as the certificate holder and additional insured, and bond in the following minimum amounts:

Under General liability:	
Each occurrence	\$1,000,000.00
General aggregate	\$2,000,000.00

Under workers compensation	\$ 500,000.00
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License and/or permit bond (Indemnity/Surety)	\$ 10,000.00
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(Code 1977, § 5.13(c); Ord. No. 2000-58, § 1(5.13(c)), 5-1-2000)

**Sec. 66-89. Restoring surface.**

The person securing such permit shall restore the surface of the street to its original condition as soon as possible under such direction as the village may issue, but shall be made within 30 days after completing the work for which the excavation was made. Upon restoration of the surface to its former condition the village clerk shall return the cash deposit or bond to the permit holder less \$25.00 which shall be retained by the village as a permit fee. If the permit holder

does not restore the street to its original condition within the time specified above, the village shall have such work done and retain the cost thereof out of the deposit.  
(Code 1977, § 5.13(d))

**Sec. 66-90. Continuous bond.**

Any public utility or other person may deposit a standing bond with the village to insure the proper repair of village streets whenever work is done in the village, but shall secure a permit as required by this division.  
(Code 1977, § 5.13(e))

**Secs. 66-91—66-105. Reserved.**

DIVISION 4. MOVING STRUCTURES

**Sec. 66-106. Moving structures.**

No person shall move any building or structure on any street without a permit from the building commissioner. The building commissioner may impose such conditions as he deems appropriate to protect the village and the public, upon granting such permit. The applicant for such permit shall deposit \$500.00 in cash with the village clerk as security for the protection of the streets and other village property.  
(Code 1977, § 5.15)

**Secs. 66-107—66-130. Reserved.**

ARTICLE III. DRIVEWAYS

**Sec. 66-131. Definitions.**

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

*Driveway* means a place improved for vehicular traffic on street right-of-way which connects the traveled portion of the street with the lot or parcel of land adjacent thereto.

*Driveway, nonresidential*, means a driveway serving property used in whole or in part for other than residence purposes.

*Driveway, residential*, means a driveway serving property used exclusively for residence purposes.

*Sidewalk* means that portion of the street right-of-way between the curblines or lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

(Code 1977, § 5.18(a))

**Cross reference**—Definitions generally, § 1-2.

**Sec. 66-132. Permit.**

No person shall construct, build, establish or alter any driveway over, across, or upon any public sidewalk or parkway without first obtaining a permit to do so from the village engineer who shall issue it after approval of the application and the fee has been paid.

(Code 1977, § 5.18(b))

**Sec. 66-133. Application for permit.**

Any person desiring to construct, build, establish or alter a driveway upon or along existing village right-of-way shall make application to the village engineer for a permit. Such application shall contain the name and address of the person making the application and the location and dimensions of the proposed driveway the use to which it is to be devoted, and shall state whether in the building thereof, it will be necessary to cut down or otherwise alter a street curb or to elevate or depress the existing grade of the walk or parkway.

(Code 1977, § 5.18(c))



**Sec. 66-134. Fee.**

A driveway permit shall be issued upon the payment of a fee of \$25.00 per driveway to the village treasurer, provided that the proposed drive-

way is constructed in conformance to the following limitations and all other applicable requirements of this section.  
(Code 1977, § 5.18(d))

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**Sec. 66-135. Construction requirements.**

Driveways shall conform to the following:

	<i>Residential</i> (see Note)	<i>Nonresidential</i> (see Note)
(1) Width at property line		
Two-way	12-foot minimum 24 foot maximum	20-foot minimum 34-foot maximum
One-way	14-foot minimum 16-foot maximum	14-foot minimum 16-foot maximum
(2) Radii/flare	five-foot minimum 15-foot maximum	Ten-foot minimum 40-foot maximum
(3) Angle of drive	90 degrees	90 degrees or parallel to property line
(4) Grade	Ten percent maximum	Eight percent maximum
(5) Number of drives per property	One per 65 feet of frontage measured at property line	One per 65 feet of frontage measured at property line two-way; two plus one service drive one-way; four plus one service drive
(6) Separation between properties	Ten-foot minimum	Ten-foot minimum
(7) Distance between drive and nearest public intersection	50-foot minimum	100-foot minimum
(8) Materials	Eight-inch aggregate w/two-inch bituminous surface or six-inch PCC-6 bag mix, air entrained	eight-inch aggregate base w/two-inch bituminous surface or six-inch bag mix, air entrained
(9) Where curb has to be removed, the curb and gutter must be removed and a depressed curb put back in its place, or the curb may be sawed with a horizontal saw to the depressed curb dimensions. The work shall be done in conformance with state department of transportation requirements and specifications and shall be approved by the village engineer. The cost of the removal of the old curb and construction of the depressed curb shall be paid by the applicant.		

*Note:* Driveways serving office space, drive-in service establishments, outdoor theaters, service stations, industrial property, shopping centers and similar developments that generate high traffic volumes or heavy traffic during peak hours may be required to submit a detailed traffic analysis including anticipated flows to the village engineer for review. Based on information submitted, the above requirements may be modified.

(Code 1977, § 5.18(e))

**Sec. 66-136. Culverts.**

(a) No person shall install or maintain any driveway anywhere in the village without installing, under the driveway, a culvert of adequate size to permit complete stormwater drainage. No culvert shall be required where a concrete or other hard surface curb and gutter in the street provides adequate stormwater drainage.

(b) The village engineer shall determine the diameter of culvert, if any, required to provide adequate drainage.

(c) Culverts shall not be less than 20 feet in length nor less than 12 inches in diameter. The diameter may be reduced by the village engineer provided the drainage area indicates a smaller diameter pipe will carry the anticipated storm flows. In no case shall the diameter be reduced to less than eight inches.

(d) The person applying for a driveway permit, prior to commencing any construction on the culvert or driveway shall notify the village engineer a minimum of 24 hours in advance of such construction. The village engineer or his representative shall mark the location and elevation of the culvert in cooperation with the permittee. The permittee shall construct the culvert to the lines and grades established by the village engineer.

(e) Material specifications shall be in accordance with Section 511, Pipe Culverts or Section 603, Storm Sewers of the state department of transportation, Standard Specifications for Road and Bridge Construction in Illinois as amended and revised.  
(Code 1977, § 5.18(f))

**Sec. 66-137. Duty to remove obstructions, keep in repair.**

It shall be the duty of the person maintaining any driveway to keep the driveway free from any obstruction and to keep the driveway in good repair including that portion of the driveway constructed as sidewalk.  
(Code 1977, § 5.18(g))

**Sec. 66-138. Graded surfaces.**

No driveway shall be so constructed or graded as to leave a step, sharp depression or other

obstruction on the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the driveway crosses the sidewalk constructed of such materials as to render it slippery or hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk, or be other than level.

(Code 1977, § 5.18(h))

**Sec. 66-139. Driveways, Illinois Route 132.**

No new driveways or new entrances shall be constructed within the village on F.A.S. Route 3 (Illinois Route 132) from Orchard Ferndale Street east to the east limits of the village shall be constructed without the consent of the highway department of the state. The remaining portion of F.A.S. Route 3 (Illinois Route 132) lying within the village and east of the Des Plaines River was previously designated as a freeway by resolution adopted by the board of supervisors of the county on October 8, 1958, and approved by the state division of highways on October 28, 1958.  
(Code 1977, § 5.19)

**Secs. 66-140—66-160. Reserved.**

**ARTICLE IV. PARADES AND MOTORCADES**

**Sec. 66-161. Definitions.**

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

*Motorcade* means an organized procession containing 25 or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

*Parade* means any march or procession consisting of people, animals or vehicles or a combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

(Code 1977, § 5.22(a))

**Cross reference**—Definitions generally, § 1-2.



**Sec. 66-162. Permit required.**

It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street or sidewalk in the village, or knowingly participate in any such parade unless and until a permit to conduct such a parade or motorcade has been obtained from the village administrator, or, as provided in this article, from the president and board of trustees of the village.

(Code 1977, § 5.22(b))

**Sec. 66-163. Parade or motorcade for commercial purpose prohibited.**

No permit shall be issued authorizing the conduct of a parade or motorcade which is to be held for the sole purpose of advertising any product, goods, wares, merchandise and is designed to be held purely for private profit.

(Code 1977, § 5.22(c))

**Sec. 66-164. Interference with parade or motorcade.**

No person shall knowingly join or participate in any parade or motorcade conducted under permit from the village in violation of any of the terms of such permit or knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

(Code 1977, § 5.22(d))

**Sec. 66-165. Application for permit.**

Any person who desires to conduct a parade or motorcade shall apply to the village administrator for a permit at least 30 days in advance of the date of the proposed parade or motorcade. The application for such permit shall be in writing on a form approved by the president and board of trustees of the village or in a form acceptable to the village administrator. The village administrator may waive the 30-day requirement if he finds unusual circumstances. In order that adequate arrangements may be made for the proper policing of the parade or motorcade, the application shall contain the following information:

- (1) The name of the applicant, the sponsoring organization, the parade or motorcade chairman and co-chairman, and the addresses and telephone numbers of each.

- (2) The nature of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.
- (3) A general description and approximate number of the units to be used.
- (4) The interval of space to be maintained between units of the parade.
- (5) The village administrator shall immediately forward a copy of the application to the chief of police for his review.

(Code 1977, § 5.22(e))

**Sec. 66-166. Issuance or denial of permit.**

(a) *Standards of issuance.* The village administrator shall issue a parade or motorcade permit conditioned upon the applicant's written agreement to comply with the contents of such a permit as specified in this section, unless it is found that:

- (1) The time, route and size of the parade or motorcade will disrupt to an unreasonable extent the movement of other traffic.
- (2) The parade or motorcade is of a size or nature that requires the diversion of so great a number of police officers of the village to properly police the line of movement and the areas contiguous thereto that allowing the parade or motorcade would deny reasonable police protection to the village.
- (3) Such parade or motorcade will interfere with another parade or motorcade for which a permit has been issued.

(b) *Standards for denial.* The village administrator shall deny an application for a parade or motorcade permit and notify the applicant of such denial where:

- (1) The village administrator makes any finding contrary to the findings required to be made for the issuance of a permit as specified in subsection (a) of this section.

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- (2) The information contained in the application is found to be false or nonexistent in any material detail.
- (3) The applicant refuses to agree to abide by or comply with all the contents of the permit.

(c) *Time for issuance or denial.* The applicant shall be informed of the issuance or denial of the permit within 25 days of the filing of the application for the permit.  
(Code 1977, § 5.22(f))

**Sec. 66-167. Contents of permit.**

In each permit, the following shall be specified:

- (1) The assembly area and time therefor.
- (2) The starting time.
- (3) The minimum and maximum speeds of any motor vehicles.
- (4) The route of the parade or motorcade.
- (5) What portions of streets to be traversed may be occupied by such parade or motorcade.
- (6) The maximum length of such parade or motorcade in miles or fractions thereof.
- (7) The disbanding area and disbanding time.
- (8) That the throwing, tossing, dropping or any other method used to distribute hand-outs, flags and/or candy, other than by hand to hand, is forbidden.
- (9) The permittee shall advise all participants in the parade or motorcade, either orally or by written notice, of the terms and conditions of the permit prior to the commencement of such parade or motorcade.
- (10) That the parade or motorcade continue to move at a fixed rate of speed and that any willful delay or willful stopping of such parade or motorcade, except that which is reasonably required for the safe and orderly conduct of the parade or motorcade, shall constitute a violation of the permit, all conditions of the permit shall be complied with so far as reasonably practical.

- (11) Any other applicable rule deemed necessary by the village administrator to protect the health, safety and welfare of the parade participants and/or citizens of the village.  
(Code 1977, § 5.22(g))

**Sec. 66-168. Appeal procedure.**

Upon a denial by the village administrator of an application made pursuant to section 66-165 and the administrator denies a waiver, the applicant may appeal from the determination of the village administrator within five days thereafter to the village president and board of trustees by filing a written notice of appeal at its next meeting. Upon such appeal, the president and board of trustees may reverse, affirm or modify in any regard the determination of the village administrator. In the event that application is not filed within the required time as specified in section 66-165, the applicant may request a waiver of such requirement by the president and board of trustees at its next regular meeting, or at a special meeting which may be called prior thereto by the president and board of trustees to consider such a matter. The president and board of trustees, if they find unusual circumstances and in the exercise of their sound discretion, may waive such requirement.  
(Code 1977, § 5.22(h))

**Sec. 66-169. Official to be notified.**

Immediately upon the granting of a permit for a parade or motorcade, the village administrator shall send a copy thereof to the:

- (1) President and board of trustees.
  - (2) Chief of police.
  - (3) Fire chief.
  - (4) Director of public works.
- (Code 1977, § 5.22(i))

Chapters 67—69

**RESERVED**



## Chapter 70

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\***Cross references**—Any ordinance dedicating or accepting any plat or subdivision in the village saved from repeal, § 1-19(a)(10); buildings and building regulations, ch. 18; planning, ch. 54; streets, sidewalks and other public places, ch. 66; utilities, ch. 82; vegetation, ch. 86; zoning, ch. 94.

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## ARTICLE I. IN GENERAL

### Sec. 70-1. Short title.

This chapter shall be known and may be cited as the village subdivision ordinance. (Ord. No. 68-12, pt. I, § B, 6-3-1968)

### Sec. 70-2. Purpose and enacting clause.

The purposes of this chapter are to:

- (1) Promote the public health, safety, comfort, convenience, prosperity, and general welfare; to conserve, protect, and enhance property and property values; to secure the most appropriate use of land; and to facilitate the adequate and economical provision of public improvements;
- (2) Provide for orderly growth and development; to afford adequate facilities for the safe, convenient, and efficient means for the traffic circulation of its population; and to safeguard the public against flood damage;
- (3) Prescribe reasonable rules and regulations governing the development, subdivision, and platting of land; the preparation of plats, the location, width, and course of streets and highways; the installation of utilities, street pavements, and other essential improvements; and the necessary public grounds for schools, parks, playgrounds, and other public open spaces;
- (4) Establish procedures for the submission, approval, and recording of plats; to provide the means for enforcement; and to provide penalties for violations.

(Ord. No. 68-12, pt. I, § A, 6-3-1968)

### Sec. 70-3. Application of regulations, authority and jurisdiction.

The regulations, rules, and provisions contained in this chapter are applicable to all subdivisions, plats, and vacations within the village and within 1½ miles beyond the corporate limits. (Ord. No. 68-12, pt. I, § C, 6-3-1968)

### Sec. 70-4. Definitions.

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

*Alley* means a minor way which is used primarily for vehicular access to the back or side of properties abutting upon, and having access to, a street.

*Building setback line* means a building line establishing the minimum allowable distance between a street right-of-way line and any structure.

*Collector* means a street which connects local and arterial, roadways. Not always continuous through a village or city. (See Appendix B for criteria.)

*Cul-de-sac* means a short local street ending in a turnabout designed and intended as a permanent terminus.

*Development* means any construction or any installation of site improvements.

*Engineer* means a professional engineer licensed as such in the state.

*Health officer* means the director of the county health department.

*Inspector* means the authorized representative of the village engineer assigned to make detailed inspections of any or all portions of the work or material thereof.

*Major arterial* means a continuous roadway through a village or city linking it to other villages or cities. (See Appendix B for criteria.)

*Major subdivision* means any subdivision not classified as a minor subdivision or not specifically exempted under the terms of this chapter.

*Minor arterial* means a continuous roadway through a village or city which may extend into other villages or cities. (See Appendix B for criteria.)

*Minor subdivision* means any subdivision containing not more than five lots, and fronting on an existing improved minor street, and not involving

any new street, road, easements of access, or the extension of municipal facilities, and not adversely affecting the development of the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the official plan, zoning ordinance, or this chapter.

*Monument and benchmark system* means the village monument and benchmark system which refers to the horizontal control as state plane coordinates with Second Order Class II (1:20,000) accuracy and the vertical control as United States Geological Survey Elevations with Second Order Class II (1:20,000) accuracy respectively. The control monumentation for the village is contained in the "1992 Village of Gurnee, Illinois Survey Monument and Benchmark Information Guidebook." This guide book may be amended from time to time.

*Official map* means the map depicting existing streets, lots, public lands and such, and designating specific locations for future streets, school sites, parks, and other public facilities on file at village hall.

*Official plan* means the comprehensive plan, or any geographical or functional part thereof, as adopted by the village, indicating the general locations recommended for streets, parks, public buildings, and other community development aspects.

*Owner* means any person having legal and equitable title to the land sought to be subdivided.

*Pedestrian way* means a right-of-way, however designated, across of within a block for use by pedestrian traffic, which shall include but not be limited to sidewalks and crosswalks.

*Person* means any individual, firm, association, syndicate, corporation, trust, or any other legal entity.

*Plat officer* means the person as appointed by the village president and approved by the board of trustees who is designated as the plat officer.

*Regional arterial* means a continuous roadway through metropolitan areas which connects other arterials. (See Appendix B for criteria.)

*Resubdivision* means the relocation of property boundaries, or the reallocation of property in a plat of record. The dissolution of property lines not accompanied by the relocation of new property lines shall not constitute resubdivision.

*Roadway* means the portion of the street right-of-way available for vehicular movement.

*Street* means a way, whether publicly dedicated or private, used for vehicular traffic, no matter if designated as a street, road, avenue, court or any other designation.

*Street, half*, means that portion of the street on either side of a tract boundary when a proposed street has as its centerline, or within its right-of-way, the boundaries of one or more tracts.

*Street, local*, means a street which extends block to block and is not continuous, also known as a minor street.

*Street, marginal access* means a minor street which is approximately parallel to, and adjacent to, an expressway or major thoroughfare, and which provides access to abutting properties and protection from through traffic.

*Street right-of-way* means all property dedicated or intended for streets.

*Street width* means the shortest distance between the lines delineating the right-of-way of a street.

*Subdivider* means any owner or other person proceeding under this chapter to subdivide or develop land.

*Subdivision* means any division of, or redivision of, any tract, parcel, or lot of land, into two or more parts, which shall include resubdivision and, when appropriate to the context shall relate to the process of subdividing or to the land subdivided. A subdivision shall also include the following:

- (1) Any planned unit development;
- (2) Any residential structure or development containing more than five residential dwelling units or structures without regard to whether the building or development is in single ownership or is developed as a condominium or cooperative; and

- (3) Any industrial or commercial building containing more than 10,000 square feet.

*Superintendent of highways* means the superintendent of highways of the county.

*Surveyor* means a land surveyor licensed as such in the state.

*Zoning officer* means the director of community development, or designee, of the village.

*Zoning ordinance* means the zoning ordinance of the village, and all maps pertaining thereto as such maps may be amended from time to time. (Ord. No. 68-12, pt. II, 6-3-1968; Ord. No. 69-1, 2-17-1969; Ord. No. 89-55, 5-1-1989; Ord. No. 91-61, 6-3-1991; Ord. No. 93-09, 1-25-1993; Ord. No. 94-19, 2-28-1994; Ord. No. 2007-17, § I, 3-5-2007)

**Cross reference**—Definitions generally, § 1-2.

#### **Sec. 70-5. Interpretation.**

(a) In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion and effectuation of the purposes of this chapter.

(b) Nothing in this chapter shall repeal, abrogate, annul, or in any way interfere with, any provisions of law, or any rules or regulations other than subdivision ordinances adopted or issued pursuant to law relating to the subdivision or development of land. Where this chapter imposes greater restriction or requirements than are imposed or required by other provisions of law, rules, regulations, covenants, or agreements, the provisions of the this chapter shall control, but nothing in this chapter shall interfere with, abrogate, or annul any easements, covenants, deed restrictions, or agreements between parties which impose restrictions greater than those imposed by this chapter.

(Ord. No. 68-12, pt. XII, § A, 6-3-1968)

#### **Sec. 70-6. Separability.**

(a) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provision not specifically included in such judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this chapter to a particular subdivision of land, such judgment shall not affect the application of such provision to any other subdivision of land not specifically included in such judgment. (Ord. No. 68-12, pt. XII, § B, 6-3-1968)

#### **Secs. 70-7—70-30. Reserved.**

### **ARTICLE II. ADMINISTRATION\***

#### **DIVISION 1. GENERALLY**

#### **Sec. 70-31. State, county, village laws.**

All laws of the state and ordinances of the village are made a part hereof the same as if fully set forth in this chapter, and all officers and employees of the village, and specifically those referred to in this chapter, are directed to compel compliance with such laws of the state and all the requirements of the county and the village. (Ord. No. 68-12, pt. X, § A, 6-3-1968)

#### **Sec. 70-32. Utilities permits.**

Public utilities shall obtain permits from the village board for the installation of communication, electric power, gas or other utility services before the installation is started. (Ord. No. 68-12, pt. X, § B, 6-3-1968)

#### **Sec. 70-33. Amendments.**

Any person wishing to propose an amendment to this chapter shall submit his proposal to the planning and zoning board. The planning and zoning board may, without a public hearing, submit the proposed change, or a modification thereof, to the village board for appropriate action. (Ord. No. 68-12, pt. XI, 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

#### **Sec. 70-34. Variations.**

Variations from these regulations shall not be granted as a right. However, the planning and zoning board may recommend and the village

\***Cross reference**—Administration, ch. 2.

board may grant variations from the regulations contained in this subdivision code in specific cases which do not affect the general plan or the spirit of the subdivision code. Such recommendations shall be communicated to the village board in writing.  
(Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2012-25, § II, 4-2-2012)

**Secs. 70-35—70-50. Reserved.**

DIVISION 2. PLAT OFFICER\*

**Sec. 70-51. Office created; administration of subdivision regulations.**

The office of plat officer is hereby created. The plat officer shall be appointed by the president of the village with the advice and consent of the board of trustees in accordance with the procedures for other appointive offices. The plat officer and the planning and zoning board shall be charged with the administration of this chapter.  
(Ord. No. 68-12, pt. I, § D, 6-3-1968; Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2012-25, § II, 4-2-2012)

**Secs. 70-52—70-70. Reserved.**

DIVISION 3. MODIFICATIONS AND APPEALS

**Sec. 70-71. Hardship.**

(a) When extraordinary hardship or injustice will result from strict compliance with sections 70-211 and 70-212, the terms thereof may vary to the extent deemed necessary and proper to grant the relief, provided that the modification is:

- (1) Due to physical features of the site;
- (2) The least deviation from the subdivision ordinance which will mitigate the hardship;
- (3) Not detrimental to the public interest, and is in keeping with the general spirit and intent of this chapter.

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\***Cross reference**—Officers and employees, § 2-91 et seq.

(b) The village board may approve such relief as recommended by the planning and zoning board.  
(Ord. No. 68-12, pt. VIII, § A, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-72. Planned residential development.**

(a) *Purposes.* The regulations contained in this section, governing the development of certain lands in an optional manner, are established to provide relief from subdivision requirements which are designed for conventional developments but which may cause undue hardship or complication to desirable but unconventional development. These regulations are established for residential areas characterized by a unified building and site development program, and providing adequate public open space for recreation and other community purposes. Such development and open space shall be an integral part of the design of the subdivision lot and street system. It shall meet all applicable regulations of the village zoning ordinance.

(b) *Standards.* The provisions of article IV of this chapter may be waived in subdivisions which are accepted as planned residential development but such provisions shall then be replaced by specific plans which are accepted by the planning and zoning board. The actual amount of land designated for street right-of-way shall not affect the 15 percent of the gross site area used for density calculations under the village zoning ordinance.  
(Ord. No. 68-12, pt. VIII, § B, 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-73. Application for modification.**

Application for such modification shall be made in writing by the subdivider at the time of the sketch plan conference, stated fully and clearly all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid the planning and zoning board in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions, or other legal provisions necessary to guarantee the full achievement of the plan. Once the terms of any



modification have been agreed upon, the review of the subdivision shall proceed as prescribed in article III of this chapter.

(Ord. No. 68-12, pt. VIII, § C, 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-74. Hearings before the village board.**

Any person aggrieved by a decision of the planning and zoning board in enforcing the terms of this chapter may request a hearing before the village board. Requests for such hearing shall be made in writing to the plat officer. Upon notification by the plat officer, the village president shall schedule an appointment for a hearing within 30 days of the receipt of the request. The petitioner shall be notified of the date, time, and location of the hearing at least three days in advance. If, upon hearing the evidence of both the planning and zoning board and the petitioner the board finds that the decision of the planning and zoning board is in error, the village board may require the planning and zoning board to modify its decision. Such modification shall not conflict with this chapter. The decision of the village board shall be made known in writing to the petitioner within ten days after the date of the hearing.

(Ord. No. 68-12, pt. VIII, § D, 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

**Secs. 70-75—70-90. Reserved.**

DIVISION 4. VIOLATIONS AND PENALTIES

**Sec. 70-91. Violations and penalties.**

(a) It is unlawful for any person, firm or corporation to file or attempt to file a plat of subdivision of land within the corporate limits of the village with the Lake County Recorder of Deeds for recordation without first having secured the approval of the village in the manner prescribed by this chapter.

(b) Every person, firm or corporation found by a court of law to have violated any provision of this chapter shall be guilty of a business offense and upon conviction shall be punished by a fine as outlined in section 32-34 for each offense; and a

separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.

(c) Any person aggrieved as a result of a work suspension shall have a right to appeal as stipulated under section 70-74, regarding hearings before the governing board.

(Ord. No. 68-12, pt. IX, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2013-40, § XII, 8-19-2013)

**Sec. 70-92. Fees.**

At the time the preliminary plat of subdivision or final plat of subdivision is recorded, the developer shall pay a review and filing fee to the village as set forth in section 32-34.

(Ord. No. 68-12, pt. III, § B, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 99-137, 12-6-1999; Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2013-40, § XII, 8-19-2013)

**Sec. 70-93. Recording.**

(1) No plat of any subdivision of land within the corporate limits of the Village of Gurnee shall be entitled to recordation by the Lake County Recorder of Deeds or have any validity until it shall have been approved in the manner prescribed by law and this subdivision code.

(2) Within nine months after the date of final approval of such plat by the village board, and provided that all fees and costs have theretofore been paid, the village shall cause such plat to be recorded in the office of the Recorder of Deeds of Lake County, Illinois, and thereafter shall retain the original plat in and as part of the official records of the village. In the event such final plat of subdivision is not so recorded within said nine-month period from and after the final approval thereof by the village board, the said village board approval thereof shall be deemed null and void, and of no further force and effect; and in such case any subsequent attempt to record such plat shall proceed only upon a new application for subdivision in the manner set forth in this chapter.

(3) Recordation of an approved plat shall constitute acceptance by the village board of ownership of all land shown thereon as provided for or dedicated to public use, unless otherwise indicated.

(4) The final plat shall not be recorded until the guarantees of performance as designated under section 70-377 are complied with.

(Ord. No. 68-12, pt. III, § C, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 91-61, 6-3-1991; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-94. Building permits and certificates of occupancy.**

(a) Building permits shall not be issued until the zoning officer has been notified by the plat officer that the final plat has been approved and recorded.

(b) Building permits shall not be issued until the engineering department has reviewed and approved the site plan and received a digital copy of the final approved plans in accordance with the Digital Submittal Requirements of the Village of Gurnee. (See Appendix C.)

(c) Certificates of occupancy shall not be issued until the zoning officer has been notified by the plat officer that the required improvements have been completed and approved in general accordance with the approved engineering plans or appropriate security has been posted to complete the improvements.

(d) In the event of a condominium or townhome development the building permit may be issued when the preliminary plat is approved by the village board.

(Ord. No. 68-12, pt. III, § D, 6-3-1968; Ord. No. 91-61, 6-3-1991; Ord. No. 2002-32, § I, 4-15-2002)

**Secs. 70-95—70-120. Reserved.**

**ARTICLE III. PLATS AND REVIEW PROCEDURES**

**DIVISION 1. GENERALLY**

**Sec. 70-121. Stages and specifications.**

All subdivision plats shall be processed in three stages leading to approval for recording, except

that the first and second stages may be waived in the case of minor subdivisions. The three stages are: the sketch plan, the preliminary plat, and the final plat.

(Ord. No. 68-12, pt. III, § A, 6-3-1968; Ord. No. 69-1, 2-17-1969; Ord. No. 89-55, 5-1-1989)

**Secs. 70-122—70-140. Reserved.**

**DIVISION 2. SKETCH PLAN**

**Sec. 70-141. Purpose.**

A sketch plan, submitted by the developer to the planning and zoning board at a conference, is intended to familiarize the developer with the requirements; eliminate, wherever possible, major revisions of the preliminary plat; and to determine the classification of the subdivision as major or minor. Those classified as minor subdivisions may proceed directly to the third or final plat stage, if such stage has not been waived by the planning and zoning board as provided in this chapter.

(Ord. No. 68-12, pt. III, § A.1, 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-142. Required information.**

A minimum of ten days prior to any meeting of the planning and zoning board the developer shall submit to the plat officer the following:

- (1) *A site sketch plan.* The subdivider's site sketch plan shall show:
  - a. Boundaries and dimensions of the property to be subdivided;



- b. Land characteristics such as natural drainage, swamp areas, wooded areas, and ridges;
- c. Development characteristics such as surrounding streets, existing structures, and available utilities;
- d. Proposed layout of streets, blocks, and lots;
- e. Proposed location of business, park, and other nonresidential areas;
- f. Existing easements and covenants affecting the property.

- (2) *A location sketch.* The subdivider's location map shall show the relationship of the proposed subdivision to traffic arteries, public transportation, municipal utilities, schools, and churches.

(Ord. No. 68-12, pt. III, § A.1, 6-3-1968; Ord. No. 69-1, 2-17-1969; Ord. No. 2012-25, § II, 4-2-2012)

**Secs. 70-143—70-160. Reserved.**

**DIVISION 3. PRELIMINARY PLAT**

**Sec. 70-161. Contents; preparation.**

The preliminary plat is a drawing, when necessary accompanied by special engineering drawings, on which final review for adherence to design standards and improvement proposals is based, and from which specified construction work in the subdivision can proceed. This plat shall be prepared by a surveyor, or a surveyor and engineer subsequent to, and in accordance with, the agreements reached in the sketch plan conference.

(Ord. No. 68-12, pt. III, § A.2, 6-3-1968)

**Sec. 70-162. Submission.**

The plat shall be submitted to the planning and zoning board at a regular monthly meeting together with transmittal letter and appropriate fees. To be considered officially filed the plat must be found to be in full compliance with the speci-

fications governing the preparation of plats and plans, with the required procedural steps having been duly taken.

(Ord. No. 68-12, pt. III, § A.2, 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-163. Required information.**

The plat shall be submitted in 15 copies and shall be drawn or printed on paper at a scale of one inch to 100 feet, unless a different scale is approved by the plat officer. This plat shall show, or be accompanied by, the following information:

- (1) *Title and certificate.* Name under which the proposed subdivision is to be recorded, location and position by quarter-quarter section, section, township, range, meridian, county, and state; names and addresses of subdividers; graphic scale, and north arrow.

- (2) *Description of existing conditions.*

- a. *Boundary lines.* Complete survey data such as angles, bearings, dimensions, curve data, etc., shall be shown for the exterior line of the subdivision. The error of linear closure of such boundary survey shall not be greater than one in 5,000.
- b. *Easements.* Location, width, and purpose of easements and other existing restrictions, reservations, or covenants.
- c. *Streets.* Name, location, right-of-way width; also curbs, gutters, culverts, sidewalks, and building setback lines.
- d. *Utilities.* Location and size of sanitary and storm sewers; fire hydrants, and location and size of water mains. If water mains and sewers are not on, or adjacent to, the tract, indicate the distance and direction to, and the size of, the nearest ones.
- e. *Elevations.* For land that slopes less than two percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions. For land

that slopes two percent or more, contours with a vertical interval of not more than two feet shall be shown. Elevations shall be U.S. Geological Survey datum; however, contours shall not be taken from U.S. Geological Survey maps. A benchmark shall be indicated on the plat.

- f. *Physical conditions.* The water elevation at the date of survey of adjoining lakes, watercourses, marshes and bogs, and areas subject to inundation, and a graphic representation and notation of the high water marks of such; wooded areas and trees six inches in diameter at four and one-half feet above ground level.
- g. *Manmade features.* Houses, barns, and other structures; other constructed features.
- h. *Conditions on adjacent land.* All of the requirements of plat preparation shall apply equally to the site being subdivided and to all land within 500 feet of its boundaries, waiving accuracy requirements as to scale of features but not as to boundary lines.
- i. *Location map.* A drawing, 1,000 feet to 5,000 feet per inch, of the township in which the subdivision is situated, showing the location of the subdivision, and indicating its relationship to traffic arteries, community facilities, railroads, and other nonresidential land uses or adverse influence with a radius of two miles.
- j. *Proposed public improvements.* Highways or other major improvements planned by public authorities for future construction on or near the tract, according to the information received from the planning and zoning board at the sketch plan conference.
- k. *Subsurface conditions.* Results of any tests made to ascertain subsurface soil and rock conditions.

- l. *Percolation tests.* Percolation test data shall be submitted for all subdivisions to be served by individual sewage disposal systems.

(3) *Proposals of the subdivider.*

- a. *Name of the subdivision.* The subdivision name shall be original and not duplicate, or be substantially similar to, any existing county subdivision.
- b. *Streets.* Unduplicated names; right-of-way and road-way widths; similar data for alleys if any. Street names shall not be duplicated within the corporate limits, postal district or fire district.
- c. *Easements.* Location, width, and purpose of easements.
- d. *Lot lines.* Location and dimensions of lot lines.
- e. *Sites.* Location and use of any sites to be used for other than single-family residential.
- f. *Setback.* Minimum building setback lines
- g. *Site data.* A tabulation of gross area, street area, other dedicated area, net subdivided area, number of lots, and linear feet of street.
- h. *Elevations.* Proposed contours of the finished subdivision, where different from existing contours, in the same detail used for existing elevations.

(4) *Engineering plans and drawings*

- a. *Engineer.* Whenever improvements covered by this subsection are required in the development of a subdivision, a licensed engineer in the state shall seal all plans and specifications.
- b. *Required plans and drawings.* The engineer shall submit to the plat officer duplicate copies of the follow-

ing plans, specifications, and estimates bearing his signature and seal:

1. Plans, details, specifications and cost estimates for street construction, including centerline profile of each street with a typical cross section of the roadway. The street plan shall show the location of drainage structures and their sizes. The profile shall be shown to a scale of not less than one inch to 50 feet horizontal and one inch to five feet vertical. Standard federal aid sheets are preferred.
  2. Plans, details, specifications, and cost estimates of proposed storm drainage improvements.
  3. Plans, details, specifications, and cost estimates of proposed water distribution systems and of proposed water supply facilities.
  4. Plans, details, specifications, and cost estimates of sewerage systems.
- c. *Supplementary plans and drawings.* When unusual site conditions exist, the plat officer may require such additional plans, specifications, and drawings as he finds necessary for an adequate review of the plat. The plat officer shall request this additional material from the subdivider in writing, stating therein the information required and the particular or unusual site conditions which made this information necessary.

(Ord. No. 68-12, pt. III, § A.2(a)—(e), 6-3-1968; Ord. No. 69-1, 2-17-1969; Ord. No. 89-55, 5-1-1989; Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-164. Forward to review agencies; review for compliance; report.**

(a) Immediately upon filing of a preliminary plat, the plat officer shall forward one copy to each of the following:

- (1) Village zoning officer.

(2) Village engineer.

(3) Health officer (where applicable).

(b) Each of these officers shall check the plat for compliance with the appropriate portions of this chapter and other applicable regulations. A written report recommending approval or disapproval and giving the reasons therefor shall be sent to the planning and zoning board within 20 days.

(Ord. No. 68-12, pt. III, § A.2(f), 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-165. Preliminary approval.**

The planning and zoning board shall review the plat and approve or disapprove the plat, giving written reasons therefor, within 60 days. Failure of the planning and zoning board to approve or disapprove the plat within 60 days of filing shall constitute default; approval shall be automatic, and signing shall be mandatory. Approval of the preliminary plat as returned to the subdivider shall be construed to be an expression of approval of the general layout, and shall authorize the subdivider to proceed with the preparation of the final plat. If a final plat is not submitted within one year of the date of approval, the preliminary plat shall expire unless approval has been extended. One and only one extension not to exceed six months, may be granted to the preliminary plat by planning and zoning board.

(Ord. No. 68-12, pt. III, § A(2), 6-3-1968; Ord. No. 69-1, 2-17-1969; Ord. No. 2012-25, § II, 4-2-2012)

**Secs. 70-166—70-180. Reserved.**

DIVISION 4. FINAL PLAT

**Sec. 70-181. Review; approval or disapproval; recording authorizes issuance of building permits.**

The planning and zoning board shall review the plat and approve or disapprove the plat, giving written reasons therefor. A record of the subdivision as surveyed in the field is the final plat. It shall show property lines and other dimensions important to the subdivider in selling lots, and to the public in keeping records of street lines, easements, and utility locations. Normally,

approval will be automatic if the final plat conforms to the approved preliminary plat. Upon determining to his satisfaction that the final plat conforms to the approved preliminary plat, the plat officer shall sign the plat and submit it to the mayor and village board for signature. Counter-signing by the mayor and village board shall constitute final approval and authorize the recording of the final plat. Recording of the final plat shall authorize the issuance of building permits. (Ord. No. 68-12, pt. III, § A.3, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-182. Conditions for disapproval.**

Disapproval is warranted by, but not limited to, the following conditions:

- (1) The final plat is not in conformance with the preliminary plat.
- (2) More than one year has elapsed since preliminary plat approval.

(Ord. No. 68-12, pt. III, § A.3(a), 6-3-1968)

**Sec. 70-183. Staged development.**

Submission of a final plat covering only a portion of the area covered by a preliminary plat may be permitted after consideration of the effect on the continuity of roads, utilities, and services. Validity of the preliminary plat may be extended to one year from the date of final approval of any portion thereof.

(Ord. No. 68-12, pt. III, § A.3(b), 6-3-1968)

**Sec. 70-184. Plat form and content.**

(a) *Plat form and content.* The final plat shall be drawn or printed on high quality white bond paper, Mylar or equivalent. Seven copies and the original shall be submitted to the plat officer for review, prior to submittal of the plat to the planning and zoning board. The final plat shall also be provided in accordance with the digital submittal requirements of the village. (See appendix C.) The digital plat shall be submitted to the village engineer prior to recording by the county recorder of deeds. Permitted page sizes shall be as follows: 36 inches by 24 inches. Other sizes will not be accepted without prior approval of the plat officer. Scale shall be one inch to 100 feet or larger. Variation in scale may be allowed when deter-

mined by the plat officer to be necessary for a property exhibit of the subdivision. When more than one sheet is used for any plat, they shall be numbered consecutively, and each sheet shall contain a notation showing the whole number of sheets in the plat, and its relation to other sheets (e.g., sheet one of three sheets). Linear dimensions shall be given in feet and decimals thereof. The final plat shall show on the face thereof:

- (1) The name of the subdivision.
- (2) The location and position of the subdivision indicated in each of the following ways:
  - a. By quarter-quarter section, sections, township, range, meridian, village, county, and state.
  - b. By distances and bearings from true north of angles with reference to a corner or corners established in the United States Public Land Survey.
  - c. By a written legal description (metes and bounds preferred) of the exterior boundaries of the land as surveyed and divided.
  - d. By tying two corners of the proposed subdivision into the state plane coordinate system, noting the coordinates on the face of the plat.
- (3) The top of the plat to be oriented north, and the plat to contain a north arrow.
- (4) A graphic scale.
- (5) The name, address, phone number of surveyor and owner, and the date of preparation.
- (6) The description and location of all survey monuments.
- (7) Planning and zoning board certificate.
- (8) A graphic representation of all streets, alleys, blocks, parcels, and public grounds into which the land is divided and of all easements and rights-of-way.
- (9) The length and direction of boundary lines of all streets, alleys, blocks, lots, parcels, public grounds, easements, and rights-of-way, or enough information so that the

length of these lines can be derived by simple calculation; where a boundary line is an arc of a circle, the radius and length of the arc shall be shown.

- (10) The width of all streets, alleys, easements, and rights-of-way. Radii at intersections shall not be less than 25 feet.
  - (11) A graphic representation of the minimum building setback lines on all lots and parcels, and a notation of the distance between such lines and the street right-of-way line; in no case shall the setback line be less than that required by the village zoning ordinance.
  - (12) The area of each lot and total area subdivided.
  - (13) Consecutive letters on all blocks and consecutive numbers throughout the plat.
  - (14) The name of each street, printed on the graphic representation of each street, and an appropriate label designating all other easements, rights-of-way, setback lines, dedications, and reservations (e.g. "Dedicated for Park Purposes" or "Reserved for Public School Site").
  - (15) The abutting street lines of all adjoining subdivisions, shown in their correct location by broken lines.
  - (16) The water elevation of adjoining lakes or streams at the date of survey and graphic representation, as well as a notation of, the high water marks of such lakes or streams; if any portion of the land within a subdivision shown on any final plat is subject to inundation or flood hazard by stormwaters, such fact and portion shall be clearly shown on the final plat by a prominent note on each sheet of such plat whereon any such portion shall be shown.
  - (17) Covenants and restrictions.
  - (18) Location map of sufficient detail to ascertain the position of the plat in the village.
- (b) Submittal of public improvement plans is required when public improvements are required as part of the subdivision.

(c) The application for approval of the final plat shall be accompanied by the following final plat certificates, duly processed and signed, using ink; exact wording of certificates shall follow forms shown in appendix A to this chapter:

- (1) Owner certificate.
  - (2) Notary certificate.
  - (3) Surveyor certificate.
  - (4) County clerk certificate.
  - (5) Village collector's certificate.
  - (6) Village board certificate.
  - (7) Planning and zoning board certificate.
  - (8) Village engineer and plat officer certificate.
  - (9) Federal emergency management agency insurance statement.
  - (10) County highway signature certificate (when applicable).
  - (11) County health department certificate (when applicable).
  - (12) Plat submittal certificate.
  - (13) Surveyor's permission to record statement.
- (Ord. No. 68-12, pt. III, § A.3(c), 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 91-61, 6-3-1991; Ord. No. 93-09, 1-25-1993; Ord. No. 2002-32, § II, 4-15-2002; Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2012-25, § II, 4-2-2012)

**Secs. 70-185—70-210. Reserved.**

## ARTICLE IV. DESIGN STANDARDS

### DIVISION 1. GENERALLY

#### **Sec. 70-211. Conformity to plans.**

All subdivisions shall conform to the village official plan, zoning ordinance, subdivision regulations, and to all other applicable ordinances, resolutions, and plans.

(Ord. No. 68-12, pt. IV, § A.1, 6-3-1968)



**Sec. 70-212. Natural features.**

Each subdivision shall be appropriate to the topography, drainage, and other natural features of the site.

(Ord. No. 68-12, pt. IV, § A.2, 6-3-1968)

**Sec. 70-213. Digital submittal requirements.**

See Appendix C.

(Ord. No. 2002-32, § III, 4-15-2002)

**Secs. 70-214—70-230. Reserved.**

DIVISION 2. STREETS\*

**Sec. 70-231. Layout.**

The layout of streets in a subdivision shall conform to existing regulations and policies and shall be based on thorough consideration of:

- (1) Topography and drainage;
- (2) Public convenience and safety;
- (3) Existing street pattern;
- (4) Future circulation needs of nearby lands;
- (5) Proposed uses of land being subdivided;
- (6) Need for extending streets to the property lines of the tract being subdivided to provide access to abutting properties.

(Ord. No. 68-12, pt. IV, § B.1, 6-3-1968)

**Sec. 70-232. Rights-of-way.**

Street right-of-way widths shall be as designated by the official map of the village. Where no width is indicated, the following table shall apply:

	<i>Feet</i>
State highways .....	120—150
Major county highways <sup>1</sup> .....	100—120
Other county or township highways <sup>1, 2</sup> .....	80
Collector .....	60—80
Regional arterial <sup>2</sup> , minimum .....	150
Minor arterial .....	80—100
Major arterial <sup>2</sup> , minimum .....	100

\*Cross reference—Streets, sidewalks and other public places, ch. 66.

	<i>Feet</i>
Local streets <sup>3</sup> .....	60
Marginal access streets .....	40

<sup>1</sup> Master county map on file in the office of the county superintendent of highways.

<sup>2</sup> An additional ten feet shall be required where a parkway is designated on the village's official map.

<sup>3</sup> Where ditch storm drainage is required in local street rights-of-way, such rights-of-way shall be six feet wider.

(Ord. No. 68-12, pt. IV, § B.2, 6-3-1968; Ord. No. 91-61, 6-3-1991)

**Sec. 70-233. Local streets.**

Local streets shall be so designed as to discourage high speed or through, traffic.

(Ord. No. 68-12, pt. IV, § B.3, 6-3-1968)

**Sec. 70-234. Boundary streets.**

Streets shall not be laid out on the boundary of a subdivision. Exceptions to this may be permitted where the plat officer finds that such streets are desirable for further expansion or where such streets will conform to the existing street system.

(Ord. No. 68-12, pt. IV, § B.4, 6-3-1968)

**Sec. 70-235. Intersections.**

See appendix B-1 to this chapter for desirable spacing of intersections. Street intersections shall be at right angles. Where unusual conditions exist, the plat officer may permit intersections of less than 90 degrees but not less than 60 degrees. In all cases street intersections and junctions shall be laid out so as to facilitate the safe flow of traffic. In no case shall two junctions be offset less than 125 feet measured from centerline of street to centerline of street.

(Ord. No. 68-12, pt. IV, § B.5, 6-3-1968; Ord. No. 91-61, 6-3-1991)

**Sec. 70-236. Cul-de-sacs.**

Cul-de-sacs shall be not more than 500 feet in length measured along the centerline from the centerline of the street of origin to the center of the turnaround, and each shall have a terminus

generally circular in shape, with a diameter of 120 feet and a center on or within 30 feet of the cul-de-sac centerline.

(Ord. No. 68-12, pt. IV, § B.6, 6-3-1968; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-237. Marginal access streets.**

Wherever a subdivision borders on or contains the right-of-way of a limited access highway; a railroad; or a utility right-of-way, a street may be required approximately parallel to, and on either side of, such right-of-way for a distance suitable to service such uses as front thereon.

(Ord. No. 68-12, pt. IV, § B.7, 6-3-1968)

**Sec. 70-238. Half streets.**

Half streets shall not be permitted except to complete an existing half street which is dedicated and accepted, or to conform to the official plan and official map of the village.

(Ord. No. 68-12, pt. IV, § B.8, 6-3-1968)

**Sec. 70-239. Reserve strips.**

Reserve (spite or devil) strips controlling access to streets shall not be permitted. Streets roughly paralleling the subdivision boundary shall be located either on that boundary or not less than one lot depth from such boundary. All streets shall be extended to the subdivision boundary.

(Ord. No. 68-12, pt. IV, § B.9, 6-3-1968)

**Secs. 70-240—70-255. Reserved.**

DIVISION 3. BLOCKS

**Sec. 70-256. Design.**

The length, width, and shape of blocks shall be determined with due regard for the following:

- (1) Provision of adequate building sites suitable to the special needs of the types of use contemplated;
- (2) Zoning requirements as to lot size and dimensions;
- (3) Needs for convenient access, circulation, control, and safety of street traffic;

- (4) Limitations and opportunities of topography.

(Ord. No. 68-12, pt. IV, § C.1, 6-3-1968)

**Sec. 70-257. Length.**

No block shall exceed 1,600 feet in length except where required by unusual topographic conditions, nor shall they be less than 400 feet in length.

(Ord. No. 68-12, pt. IV, § C.2, 6-3-1968)

**Sec. 70-258. Crosswalks.**

Where blocks exceed 800 feet in length, or where orientation of pedestrian circulation requirements indicate, crosswalks may be required. Such crosswalks shall be not less than ten feet in width.

(Ord. No. 68-12, pt. IV, § C.3, 6-3-1968)

**Secs. 70-259—70-275. Reserved.**

DIVISION 4. LOTS

**Sec. 70-276. Dimensions.**

Lot dimensions and area shall be not less than the requirements of the village zoning ordinance.

(Ord. No. 68-12, pt. IV, § D.1, 6-3-1968; Ord. No. 91-61, 6-3-1991)

**Sec. 70-277. Frontage.**

All lots shall front directly on an improved public street. Lots adjoining regional arterial and major arterials shall be provided with marginal access streets or front on an interior street. An indication shall appear on the final plat where access is prohibited. Lots shall have a width at the street right-of-way line and rear lot line not less than twice the sum of the side yards as provided in the village zoning ordinance.

(Ord. No. 68-12, pt. IV, § D.2, 6-3-1968; Ord. No. 91-61, 6-3-1991)

**Sec. 70-278. Lot lines.**

Side lot lines shall be at right angles or radial to the street line or substantially so.

(Ord. No. 68-12, pt. IV, § D.3, 6-3-1968; Ord. No. 91-61, 6-3-1991)



**Sec. 70-279. Deep lots.**

Lots abutting a regional arterial, or major arterial, a railroad, utility right-of-way, or other inharmonious use shall have a width or a depth of 40 feet in excess of the typical interior lot in the same subdivision. A planting screen easement, across which there shall be no right of access, may be required on such deep lots.

(Ord. No. 68-12, pt. IV, § D.4, 6-3-1968; Ord. No. 91-61, pt. IV, § D, 6-3-1991)

**Sec. 70-280. Corner lots.**

Corner lots for residential use shall have 25 percent additional width to permit appropriate building setback from, and orientation to, both streets. This requirement shall not apply to subdivisions fronting public rights-of-way dedicated prior to the adoption of the Gurnee Subdivision Ordinance on June 3, 1968.

(Ord. No. 68-12, pt. IV, § D.5, 6-3-1968; Ord. No. 91-61, 6-3-1991; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-281. Building sites.**

Every lot shall contain a suitable building site. In zones providing for a lot area of 40,000 square feet or more, 25 percent of the lot area therein may consist of uninhabitable lands, marshes, or floodplain. However, where part of a lot may become subject to flooding, minimum floor elevation shall be required.

(Ord. No. 68-12, pt. IV, § D.6, 6-3-1968; Ord. No. 91-61, pt. IV, § D, 6-3-1991)

**Secs. 70-282—70-300. Reserved.**

DIVISION 5. EASEMENTS

**Sec. 70-301. Utility easements.**

(a) Easements shall be provided for utility service. Easements shall be 15 feet wide for any single underground village conduit and 20 feet wide for two underground village conduits and be established where practicable at the rear of each lot and along such other lot lines as to provide continuity of alignment from block to block. Not less than ten feet wide easements are to be provided for any other utility.

(b) All utility distribution lines for telephone and electric service shall be installed underground within easements and dedicated public ways. All transformer boxes shall be located so as not to be unsightly or hazardous to the public. The installation of such facilities shall be made in compliance with applicable orders, rules, and regulations, now or hereafter effective and filed with planning and zoning board pursuant to the state public utilities act of any public utility whose services will be required with respect to the provision of such underground facility.

(Ord. No. 68-12, pt. IV, § E.1, 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-302. Drainage easements.**

When a subdivision is traversed by an established stream, established drainageway, or channel, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the course of such stream, established drainage way, or channel. The location, width, alignment, and improvement of such easement shall be subject to the approval of the plan commission provided that such easement shall be not less than 20 feet in width. Where ditch drainage is used in lieu of storm sewers, as may be permitted in this chapter, the easement shall be of sufficient width to allow future construction of a storm sewer main adequate to carry the ultimate runoff of the watershed as determined by current hydrological records. The area of any public way immediately adjacent to the ditch shall be taken into consideration.

(Ord. No. 68-12, pt. IV, § E.2, 6-3-1968)

**Sec. 70-303. Cross access easements.**

When a commercial or industrial subdivision has frontage on a collector or higher classification street, the village may require the dedication of cross access easements in order to consolidate existing or future driveway access points, or to provide access to remote portions of the subdivision. The location, width, alignment, and improvement of such easement shall be subject to the approval of the village board.

(Ord. No. 2007-17, § I, 3-5-2007)

**Secs. 70-304—70-320. Reserved.**

DIVISION 6. RESUBDIVISION AND  
REPLATTING

**Sec. 70-321. Village policy to encourage and facilitate in certain cases.**

The reviewing authority shall, in the performance of its plat-approving function, encourage and facilitate the replatting of prematurely and inexpertly subdivided areas which are now in sharp contrast with current standards of acceptability. Rehabilitation of these areas shall be implemented through proper design considerations when adjacent unsubdivided land is proposed for development.

(Ord. No. 68-12, pt. IV, § F, 6-3-1968)

**Secs. 70-322—70-340. Reserved.**

DIVISION 7. EROSION AND  
SEDIMENTATION CONTROL

**Sec. 70-341. Intent.**

This division is intended to govern earthwork or the movement of earth during subdivision improvements or other individual improvements so as to control erosion, sedimentation, or dust problems.

(Ord. No. 68-12, pt. IV, § G, 6-3-1968)

**Sec. 70-342. Reserved.**

**Editor's note**—Ord. No. 2007-17, adopted March 5, 2007, repealed § 70-342 in its entirety. Former § 70-342 pertained to compliance with certain standards and derived from Ord. No. 66-12, adopted June 3, 1968; and Ord. No. 89-55, adopted May 1, 1989.

**Sec. 70-343. Reserved.**

**Editor's note**—Ord. No. 2007-17, adopted March 5, 2007, repealed § 70-343 in its entirety. Former § 70-343 pertained to prerequisites to plat approval and derived from Ord. No. 66-12, adopted June 3, 1968; and Ord. No. 89-55, adopted May 1, 1989.

**Sec. 70-344. Reserved.**

**Editor's note**—Ord. No. 2007-17, adopted March 5, 2007, repealed § 70-344 in its entirety. Former § 70-344 pertained to minimum erosion and sedimentation control measures and derived from Ord. No. 66-12, adopted June 3, 1968; and Ord. No. 89-55, adopted May 1, 1989.

**Sec. 70-345. Retention of topsoil; seeding and sodding.**

(a) Topsoil should not be removed from residential lots or used as spoil, but be redistributed so as to provide at least four inches of cover on the lots and at least four inches of cover between sidewalks and curbs, and shall be stabilized by seeding and/or sodding.

(b) All improved areas within the dedicated street areas or other public use areas shall be graded and seeded or sodded and/or planted in an approved manner. Restoration work shall be performed to the satisfaction of the village engineer. All parkways shall be graded smooth and topped with at least four inches of black dirt after compacting and removal of stumps, trees that cannot be saved, boulders and other debris. Such areas shall be seeded or sodded to the satisfaction of the village engineer.

(Ord. No. 68-12, pt. IV, § G, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 91-61, 6-3-1991)

**Secs. 70-346—70-370. Reserved.**

**ARTICLE V. IMPROVEMENTS**

DIVISION 1. GENERALLY

**Sec. 70-371. General requirements.**

(a) *Purpose.* It is deemed necessary and essential to require and control the provision and installation of improvements when property is subdivided and developed in order to:

- (1) Ensure conformity to the statutes governing the subdivision of land in the state;
- (2) Cause the installation of utilities and public service facilities necessary to serve the property developed;
- (3) Provide for the current financing of such facilities;
- (4) Spread the costs of required improvements upon the property benefited;

- (5) Prevent the dissipation or the improper use of public funds in providing these improvements or maintaining faulty installation;
- (6) Protect the living standards, public safety, and the common welfare of residents within and without the subdivision.

(b) *Qualifications of contractors.* The developer shall file with the village a list of all contractors and subcontractors who are to participate in the construction of public improvements. Such contractors and subcontractors shall be subject to disqualification by reason of faulty performance of prior construction work done in the village.

(c) *Time of construction.* All improvements required in this article shall be completely installed before submittal of the final plat; or, the subdivider shall post a surety subdivision performance bond, letter of credit or cash bond guaranteeing the installation of these improvements within two years following final plat approval by the village board. Additional time may be allowed if approved by the village board. In no case should the additional allocated time exceed three six-month extensions.

(d) *Sequence of construction.* All underground utilities, sanitary sewers, and storm sewers installed in streets, alleys, service roads, or highways shall be constructed or installed prior to the surfacing of such streets. Service connections to such underground utilities and sewers shall be extended to the property line of each lot so as to alleviate disturbing the surface improvements in such public ways when service connections are later made. Where underground utilities are located in the parkway adjacent to the paved roadway, service connections to properties across such roadway shall only be made by drilling under the pavement in such a way that surfacing is not disturbed or weakened.

(e) *Debris removal.* The subdivider shall clean and maintain all public ways, sewers, and drains free from debris and trash, or other extraneous material, prior to acceptance and at such other times during construction as the village engineer deems necessary to prevent the creation of a public nuisance.  
(Ord. No. 68-12, pt. V, § A, 6-3-1968; Ord. No. 93-09, 1-25-1993)

**Sec. 70-372. Modification of design of improvements during construction.**

During the course of inspections, the appropriate public inspector will especially note any circumstances which entail departures in the "as-built" improvements from the plans and specifications as approved, such as an unforeseen difficulty of drainage, groundwater, poor subsoil, unstable fill material, or unconventional or faulty practices of contractors or subcontractors. Whenever such departures are likely to cause either a lower ultimate level of performance or a higher construction cost than could reasonably have been anticipated, he shall prepare a report on his findings in the situation and promptly forward copies to the president and board of trustees and to the plat officer.

(Ord. No. 68-12, pt. V, § B, 6-3-1968)

**Sec. 70-373. As-built plans.**

After completion of all public improvement and prior to final acceptance of said improvements, the subdivider shall make, or cause to be made, a complete plan set showing the actual location and elevation of all valves, manholes, stubs, sewer and water mains, street lighting, and other improvements. This plan shall be printed on white bond paper and shall bear the seal and signature of the engineer. The as-built plans shall be provided in accordance with the digital submittal requirements of the Village of Gurnee (see Appendix C.) The presentation of this plan shall be a condition of final acceptance of the improvements and release of the surety assuring their completion. This plan set shall become the property of the village.

(Ord. No. 68-12, pt. V, § C, 6-3-1968; Ord. No. 93-09, 1-25-1993; Ord. No. 2002-32, § IV, 4-15-2002; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-374. Policy on sharing cost of over-size improvements.**

Whenever necessary, to conform to an overall plan or otherwise to protect or promote the public interest, oversize improvements may be required of the subdivider; however, the cost to the subdivider shall be no greater than that which would

result from the installation of construction of only that size necessitated by his own development. The excess cost resulting from the requirement of an oversize improvement shall be borne by the appropriate public authority.  
(Ord. No. 68-12, pt. V, § D, 6-3-1968)

#### **Sec. 70-375. Monuments.**

(a) *Preservation of existing monuments.* All United States, state, county, or other official bench marks, monuments, or triangulation stations in or adjacent to the subdivision shall be preserved. When a proposed improvement in a subdivision makes necessary the moving of bench marks, monuments, or stations, the authority having jurisdiction shall be notified and given sufficient time to take appropriate action.

(b) *Placement of new monuments.* Permanent monuments shall be erected at all street corners and all points where street lines intersect the exterior lines of the subdivision and at all lot corners, block corners, angles in the lot lines, and points of beginning and ending of curves.

(c) *Monument materials.* Permanent monuments shall be of galvanized iron pipe not less than three-fourths-inch in diameter and not less than 24 inches in length; or pinch top pipe of the same dimensions; or of stone or concrete not less than four inches in diameter and not less than 24 inches in length. In no case shall thin-wall pipe or electrical conduit be permitted.  
(Ord. No. 68-12, pt. V, § E, 6-3-1968)

#### **Sec. 70-376. Grading.**

Where it is proposed to alter ground elevations more than two feet, proposed, as well as existing, contours shall be shown on the contour map. Where topsoil is removed during the course of grading or construction, it shall be redistributed evenly to a depth of at least four inches. All exposed areas shall be reseeded or sodded to prevent erosion. Seeding and sodding shall conform to the specifications as set forth in article VI of this chapter.  
(Ord. No. 68-12, pt. V, § F, 6-3-1968; Ord. No. 2007-17, § I, 3-5-2007)

#### **Sec. 70-377. Guarantees of performance.**

(a) *Generally.* In order to provide for the orderly growth of the village and to further provide for the orderly development of land and the installation of all required improvements in newly developed areas, no plat of a proposed subdivision shall be given final approval until the requirements of this section have been met.

(b) *Performance bond.* Before approval of a final plat, the plat officer must find that all improvements have been installed in accordance with the provisions of this chapter and all other applicable ordinances of the village; provided, however, that a final plat may be approved upon the posting of an irrevocable letter of credit, a performance bond, or other guarantee acceptable to the village and allowed by state statute as provided in this chapter:

- (1) *Amount.* The amount of the performance bond shall be equal to 110 percent of the estimated cost of construction of the required improvements as approved by the village engineer.
- (2) *Time limit.* All performance guarantees shall be payable to the village and shall be enforceable by the village prior to or on a date 12 months from the date of final plat approval or final plat recording.
- (3) *Release.* The village board may reduce performance guarantees when requested in writing by the developer and approved by the village engineer. The village shall retain ten percent of the performance guarantee until such time as the public improvements are completed as certified by the village engineer and accepted for maintenance by ordinance by the village board.

(c) *Other guarantees.* In lieu of the performance bond provided for in this section, the subdivider may post a certified check or checks with the village clerk, each check equal to 110 percent of the estimated cost of construction of the improvements as provided for above.

(d) *Default.* If the improvements are not completed within the required time, the corporate authority of the village may use the performance



bond or any portion thereof to complete construction of the improvements, or may appropriate any portion of the certified check for the same purpose.

(Ord. No. 68-12, pt. V, § H, 6-3-1968; Ord. No. 91-61, 6-3-1991; Ord. No. 2007-17, § I, 3-5-2007)

### **Sec. 70-378. Inspection.**

(a) *Required.* All required land improvements to be installed under the provisions of these regulations shall be inspected by the village at the subdivider's expense.

(b) *Notification.* Before starting the construction of any improvements, the subdivider shall ascertain from the village engineer what inspections are required and the amount of notification desired in each case, and shall comply with all their rules, regulations, and instructions pertaining to such required inspections. The subdivider, contractor or his authorized representative, shall provide 48-hour advance notification to the village engineering department before starting any work or renotification when work has been suspended for more than three working days.

(c) *Reports.* Any inspection which requires that the health officer be present shall be made by that official or his agent and reported in written form; one copy shall be furnished to the engineer or other agent of the subdivider and one copy to the village.

(d) *Subdivider's responsibility.* Regardless of contracts, agreements, or inspections performed, final responsibility for the installation of all improvements, in accordance with the applicable standards, shall rest with the subdivider.

(e) *Approval and acceptance.*

- (1) Prior to final acceptance of the public improvements, the subdivider/developer shall submit a five-percent maintenance bond for the full value of the public improvements as submitted by the subdividers engineer and verified by the village engineer. Such maintenance bond shall be the developer's guarantee against defects of the public improvements and shall terminate two years after acceptance of main-

tenance of the public improvements by the village board pursuant to subsection 70-377(b)(3).

- (2) When street, sanitary, water, and drainage improvements and all appurtenances thereto, based on approved plans, have been constructed or installed and passed all inspections, the corporate authorities shall provide the developer with a letter of approval, completion, and acceptance by the village in accordance with subsection 70-377(b)(3).
- (3) When individual sewage disposal systems, based on approved plans, have been constructed or installed and have passed all inspections, the health officer shall provide the developer with a letter of approval and completion.
- (4) When any required sewer or water improvement is not intended for public ownership, the appropriate inspecting agency shall provide the developer and the village with a letter of approval and completion. Such letter shall not constitute acceptance by the public but shall permit the owner to operate and maintain the facility.

(f) *Fees.* The subdivider/developer shall pay to the village such reasonable fees as designated to defray costs of plan review, inspections, and engineering services required for any subdivision and or development considered within the village as set forth in section 32-34.

The plan/development review fee is due and payable prior to initial review of the plan when a subdivision plat is not to be recorded. When a subdivision plat is to be recorded, a plan/development review fee amounting to 50 percent of the costs as determined in subsection (f)(2) of this section, shall be paid before recording of the final plat. The construction inspection fee, less the plan/development review fee, shall be paid prior to final acceptance of the public improvements by the village board. Fees paid pursuant to this subsection are exclusive of required traffic studies, soil borings or extensive engineering inspection or testing.

(Ord. No. 68-12, pt. V, § I, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 91-61, 6-3-1991; Ord. No. 93-09, 1-25-1993; Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2013-40, § XII, 8-19-2013)

**Secs. 70-379—70-395. Reserved.**

DIVISION 2. REQUIRED FACILITIES AND  
LANDSCAPING

**Sec. 70-396. Engineering plans.**

All engineering plans shall be submitted on 36-inch by 24-inch plan sheets and shall be signed and sealed by a state licensed professional engineer. All engineering plans are required to tie the vertical control of the engineering plans to a minimum of two benchmarks from the village monument and benchmark system.

(Ord. No. 68-12, pt. V § G, 6-3-1968; Ord. No. 93-09, 1-25-1993; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-397. Streets.**

(a) Unless otherwise specified, the type, design, and construction of streets shall be in accordance with the provisions of article VI of this chapter.

(b) Where proposed subdivision lots front on only one side of a public road, the subdivider shall be responsible for both halves of the road to be improved as described in article VI of this chapter. Whenever land adjacent to an existing public street is subdivided with lots facing thereon, and such street is not improved to a standard as high as that required for an interior street of similar character, the subdivider may be required to improve such public street, but in no case shall the required expenditure for such improvement exceed that required for a similar interior street. Any improvement of an existing street shall be subject to the approval of the public authority having jurisdiction.

(c) Street profiles, plans and cross sections for all subdivision streets shall be prepared by an engineer in a accordance with the requirements of article VI of this chapter, and the engineer, as agent for the subdivider, or his contractor, shall be responsible for establishing the proper lines and grades for all earthwork and drainage.

(d) At least one street of full width shall be provided to furnish the subdivision with access to an existing improved public street. Such access street shall be improved by the subdivider in

accordance with the standards appropriate to its function, whether or not it lies partly or entirely, outside the subdivision.

(Ord. No. 68-12, pt. V, § G.1, 6-3-1968; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-398. Storm drainage.**

(a) The storm drainage improvements shall conform to the system designed and established by the engineer and approved by the village engineer. Computations may be required for the entire drainage basin of which the subdivision is a part. The design and construction of such improvements shall be in accordance with the specifications of article VI of this chapter.

(b) In residential subdivision containing lots less than 40,000 square feet in area, and in all business and industrial subdivision, underground storm sewer systems shall be constructed and installation shall be completed and approved by the village engineer prior to the placement of any surfacing material.

(c) Special consideration shall be given to the avoidance of problems which may arise from stormwater runoff onto adjacent properties. All storm drainage shall be conducted and/or connected to an approved outfall.

(d) Any building or structure equipped with a sump pump shall provide an underground connection to the village storm sewer when such storm sewer is adjoining to the site.

(Ord. No. 68-12, pt. V, § G.2, 6-3-1968; Ord. No. 89-55, 5-1-1989)

**Sec. 70-399. Culverts and bridges.**

Adequate drainage structures shall be provided. The design, installation, and construction of drainage structures shall comply with specifications in article VI of this chapter.

(Ord. No. 68-12, pt. V, § G.3, 6-3-1968)

**Sec. 70-400. Curbs and gutters.**

(a) In all subdivisions where underground storm drainage systems are required or proposed, curbs and gutters shall be provided.

(b) In subdivisions of lots under 40,000 square feet, concrete curbs and gutters shall be provided.

(c) A fee-in-lieu-of curb and gutter fund shall be created. Monetary contributions to this fund shall be required of subdividers when installation of curb and gutter is not feasible or practical, as determined by the village engineer. The village engineer shall set the fee-in-lieu amount, on a lineal foot basis annually, based upon prior year construction costs.

(Ord. No. 68-12, pt. V, § G.4, 6-3-1968; Ord. No. 2007-17, § I, 3-5-2007)

#### **Sec. 70-401. Sidewalks.**

(a) In all subdivisions where lots are less than 40,000 square feet, sidewalks shall be provided along both sides of all streets and cul-de-sacs. The village board of trustees also may require that sidewalks be provided elsewhere than as required above, where considered necessary to public safety due to anticipated concentration of pedestrian traffic.

(b) Sidewalks and pedestrian ways which form part of a system of sidewalks as required above shall be improved in accordance with section 70-456.

(c) A fee-in-lieu-of sidewalk fund shall be created. Monetary contributions to this fund shall be required of subdividers when installation of sidewalk is not feasible or practical, as determined by the village engineer. The village engineer shall set the fee-in-lieu amount, on a square foot basis annually, based upon prior year construction costs. (Ord. No. 68-12, pt. V, § G.5, 6-3-1968; Ord. No. 2007-17, § I, 3-5-2007)

**Cross reference**—Streets, sidewalks and other public places, ch. 66.

#### **Sec. 70-402. Street trees.**

(a) *Quantity.* Shade trees shall be provided at the equivalent of not more than 50 feet apart along all frontages of all lots. In the case of a corner lot, one tree shall be provided for the first 100 feet of the longest frontage, then one tree per 50 feet thereafter. In the event of a fraction of a tree required, if the fraction is less than three-quarters, the lower number shall be used. If the fraction is three-quarters or greater, the higher

number shall be used. Existing trees that are to be preserved may be used to satisfy the requirements of this provision subject to village approval. Clustering of trees is permitted subject to village approval, and if clustering is permitted, then total frontage may be used to calculate the quantity of trees required rather than the individual lot frontages.

(b) *Location and spacing.* Street trees may be clustered or spaced linearly in the public right-of-way as approved by the village. Such trees may also be placed up to 25 feet inside the property line provided they are within the view of the public. A landscape preservation easement must be provided with all maintenance being provided by the property owners.

(c) *Size.* Street trees shall have a minimum trunk size of 2½-inch caliper; as measured 12 inches above the established ground level.

(d) *Species.* Utilization of a variety of street tree species is specifically encouraged, and is subject to final engineering approval, in order to promote variety in the streetscape and to reduce exposure to disease that may affect any one particular tree species. Street trees shall be selected from the following approved list:



## DECIDUOUS TREES:

Large trees—50 feet and over in height and over 40 feet in spread. Trees planted on parkways to be spaced not more than 50 feet on center.

<i>Common Name</i>	<i>Botanical Name</i>
Norway Maple	<i>Acer platanoides</i>
Emerald Queen Norway Maple	<i>Acer platanoides</i> "Emerald Queen"
Crimson King Maple	<i>Acer platanoides</i> "Crimson King"
Sugar Maple	<i>Acer saccharum</i>
Green Mountain Sugar Maple	<i>Acer saccharum</i> "Green Mountain"
Sycamore Maple	<i>Acer pseudoplatanus</i>
Autumn Blaze Freeman Maple	<i>Acer x freemanii</i> "Autumn Blaze"
Marmo Freeman Maple	<i>Acer x freemanii</i> "Marmo"
Black Maple	<i>Acer Nigrum</i>
Hackberry	<i>Celtis occidentalis</i>
Rosehill White Ash	<i>Fraxinus americana</i> "Rosehill"
Ginkgo (male only)	<i>Ginkgo biloba</i>
Imperial Honeylocust	<i>Gleditsia tricanthos</i> "Imperial"
Shademaster Honeylocust	<i>Gleditsia tricanthos</i> "Shademaster"
Skyline Honeylocust	<i>Gleditsia tricanthos</i> "Skyline"
Kentucky Coffee-tree	<i>Gymnocladus dioicus</i>
Bur Oak	<i>Quercus Macrocarpa</i>
Chickapin Oak	<i>Quercus muehlenbergi</i>
English Oak	<i>Quercus robur</i>
Schumard Oak	<i>Quercus shumardii</i>
Shingle Oak	<i>Quercus imbicaria</i>
Swamp White Oak	<i>Quercus bicolor</i>
Bald Cypress	<i>Taxodium distichum</i>
American Linden	<i>Tilia americana</i>
Redmond Linden	<i>Tilia euchlora</i>
Silver Linden	<i>Tilia tomentosa</i>
Japanese Zelkova	<i>Zelkova serrata</i>
Japanese Larch	<i>Larix kaempferi</i>
Tuliptree	<i>Liriodendron tulipifera</i>
Dawn Redwood	<i>Metasequoia glyptostroboides</i>
Red Oak	<i>Quercus rubra</i>
Valley Forge American Elm	<i>Ulmus americana</i> "Valley Forge"
Pioneer American Elm	<i>Ulmus americana</i> "Pioneer"

Medium trees—30 to 50 feet in height and 25 to 40 feet in spread. Trees planted on parkways to be spaced not more than 35 feet on center.

<i>Common Name</i>	<i>Botanical Name</i>
Miyabe Maple	<i>Acer miyabei</i>
Tartarian Maple	<i>Acer tataricum</i>
Baumann Horsechestnut	<i>Aesculus hippocastanum</i> "Baumanni"
Yellow Buckeye	<i>Aesculus glabra</i>
European Black Alder	<i>Alnus glutinosa</i>
Katsuratree	<i>Cercidiphyllum japonicum</i>

*Common Name*

Yellowwood  
 Turkish Filbert  
 Cucumbertree Magnolia  
 Amur Corktree  
 Chanticleer Callery Pear  
 Japanese Pagoda Tree  
 Peking Lilac  
 Greenspire Linden  
 Lacebark Elm  
 Black Tupelo

*Botanical Name*

Cladras tris lutea  
 Corylus colurna  
 Magnolia acuminata  
 Phellodendron amurense  
 Pyrus calleryana "Chanticleer"  
 Sophora japonica  
 Syrianga pekinensis  
 Tilia cordata "Greenspire"  
 Ulmus parvifolia  
 Nyssa sylvatica

Small trees—13 to 30 feet in height and less than 30 feet in spread. Trees planted on parkways to be spaced not more than 25 feet on center.

*Common Name*

Amur Maple  
 Hedge Maple  
 Columnar Norway Maple  
 Columnar Sugar Maple  
 Red Horsechestnut  
 Red Buckeye  
 Pink Horsechestnut  
 Speckled Alder  
 Downy Service Berry  
 Redbud  
 Adirondack Crabapple  
 Autumn Glory Crabapple  
 Prairifire Crabapple  
 Red Jewel Crabapple  
 Sugar Tyme Crabapple  
 Ironwood (Hophornbeam)  
 Japanese Tree Lilac

*Botanical Name*

Acer ginnala  
 Acer campestre  
 Acer platanoides "Columnar"  
 Acer saccharun "Columnar"  
 Aesculus x carnea  
 Aesculus pavia  
 Aesculus x plantierensis  
 Alnus rugose  
 Amelanchier arborea  
 Cercis canadensis  
 Malus "Adirondack"  
 Malus "Autumn Glory"  
 Malus "Prairifire"  
 Malus "Red Jewel"  
 Malus "Sugar Tyme"  
 Ostrya virginiana  
 Syringa reticulata

Evergreen trees—For use in landscape sites.

*Common Name*

White Fir  
 Chinese Juniper  
 Norway Spruce  
 White Spruce  
 Colorado Spruce  
 Colorado Blue Spruce  
 Serbian Spruce  
 Oriental Spruce  
 Limber Pine  
 Austrian Pine  
 Himalayan Pine  
 Virginia Pine

*Botanical Name*

Abies concolor  
 Juniperus chinensis  
 Picea abies  
 Picea glauca  
 Picea pungens  
 Picea pungens glauca  
 Picea omorika  
 Picea orientalis  
 Pinus flexilis  
 Pinus nigra  
 Pinus wallichiana  
 Pinus virginiana

*Common Name*

Scotch Pine  
 Douglas Fir  
 Oriental Arborvitae  
 White Cedar  
 Mission Arborvitae

*Botanical Name*

Pinus sylvestris  
 Pseudotsuga menziesii  
 Thuja orientalis  
 Thuja occidentalis  
 Thuja occidentalis "Mission"

At the approval of the village board, evergreen trees or ornamental trees may be substituted for the required street trees. Evergreens of a minimum height of six feet may be substituted at a one-to-one exchange rate. Ornamentals of a minimum height of six feet or caliper of one and one-half inches may be substituted at a rate of two ornamentals for each street tree.

(e) *Quality and installation.* Trees of park grade stock are unacceptable. Clay sub-soils shall be amended or replaced with topsoil for backfilling tree holes. All street trees shall be adequately watered upon installation. All street trees shall be guaranteed for one full year from the date of acceptance of the public improvements by the village. All street trees shall be promptly replaced if they fail within the guarantee period with trees of the same variety and size at no cost to the village.

(f) *Cul-de-sac turnaround islands.* Cul-de-sac turnaround islands may be permitted and shall be 20 feet in diameter and may be planted with street trees from the acceptable species list, evergreen trees, or other plant materials approved by the village, provided that a homeowner's association is established to maintain the planted area at no cost to the village.

(g) When required street tree plantings consist of 12 or more trees, no more than 25 percent of such plantings shall be of the same species and shall be dispersed among the other species being planted as approved in the final landscape plans. (Ord. No. 68-12, pt. V, § G.6, 6-3-1968; Ord. No. 88-38, 4-25-1988; Ord. No. 91-61, 6-3-1991; Ord. No. 91-156, 12-16-1991; Ord. No. 2001-51, §§ I, II, 6-18-2001)

**Cross references**—Streets, sidewalks and other public places, ch. 66; vegetation, ch. 86.

**Sec. 70-403. Street signs and pavement markings.**

Signs giving names of streets shall be erected at all street intersections. Signs and pavement markings shall meet the minimum requirements for similar signs and posts as shown and set forth in the Manual of Uniform Traffic Control Devices for Streets and Highways, as prepared and published by the state department of transportation. Street and regulatory signs shall be provided and erected by the village at the developer's expense. Pavement markings shall be installed by the developer at locations designated by the engineer.

(Ord. No. 68-12, pt. V, § G.7, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 91-61, 6-3-1991)

**Sec. 70-404. Street lights.**

In all subdivisions within the corporate limits of the village, street lighting shall be provided throughout the subdivision by the subdivider. Street light standards shall be installed within the street parkways and shall be served by appropriate wiring in testing laboratory listed polyethylene conduit with connections to a power supply of the public electric utility. A standard shall be located at each street intersection, at the turnaround of each cul-de-sac, and elsewhere at intervals of not more than 300 feet alternating on both sides of the roadway. Street light standards, luminaries, lamps, and wiring shall be subject to the approval of the village board of trustees. One pole and one luminaire shall be provided by the developer to the village for each ten lights required to be installed pursuant to this chapter. The developer shall, if requested by the village, provide a monetary amount equivalent to the developer's cost for such street light post and luminaire to the village.

(Ord. No. 68-12, pt. V, § G.8, 6-3-1968; Ord. No. 91-61, 6-3-1991; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-405. Water supply facilities.**

(a) All subdivisions within the corporate limits of the village and all other subdivisions with lots of less than one-half acre in area, shall have an interconnected water distribution system supplying all lots with water from a source approved by the village board of trustees and the state environmental protection agency. Where such a water supply system is not provided in subdivisions with lots of one-half acre or more in area, outside the corporate limits of the village, conclusive evidence shall be presented by the subdivider, on the basis of suitable tests and surveys, that an adequate underground water supply is readily available for development at the individual lots.

(b) Water mains shall be not less than six inches in diameter and shall be arranged so as to avoid dead ends. Shut-off valves shall be provided at each branch main connection, and elsewhere as required, to permit adequate sectionalizing for maintenance purposes. Fire hydrants shall be installed throughout the entire system at intervals not exceeding 400 feet. A house service connection shall be provided at the centerline of each lot, extending to within one foot of the property lines, before roadway pavement is constructed. Materials, system arrangement, and details of design shall be subject to the approval of the village board of trustees.

(c) Where central water systems cannot be provided according to subsection (a) of this section, individual private water systems may be permitted, provided such water systems meet all requirements of the village. (Ord. No. 68-12, pt. V, § G.9, 6-3-1968; Ord. No. 89-55, 5-1-1989)

**Sec. 70-406. Fire hydrants.**

Every community water supply system shall have adequate pipe sizes, water pressure, supply, and sufficient fire hydrants to provide fire protection to meet local neighborhood needs in accordance with the standards of the village. (Ord. No. 68-12, pt. V, § G.10, 6-3-1968)

**Sec. 70-407. Sanitary sewage facilities.**

(a) All subdivisions containing lots of less than 40,000 square feet in area shall have a system of sanitary sewers serving each lot, con-

nected to the village sewage system. All other subdivisions shall also have such sewage disposal facilities where standard seepage tests or other investigations, conducted by the village officials or their representative, indicated that the ground in the subdivision is suitable for individual sewage disposal facilities dependent upon seepage of the effluent into the soil.

(b) Sewer systems and sewage treatment facilities shall meet the requirements set forth by the state environmental protection agency, North Shore Water Reclamation District and the village. No oxidation ponds, seepage lagoons, or holding lagoons will be permitted. Sanitary and storm sewer systems shall not be combined. Sewer mains with house service stubs to each lot shall be installed prior to the construction of street pavements. Service stubs shall be installed at the centerline of each lot and shall extend to within one foot of the front lot line.

(c) In subdivisions not required to install community sewage collection systems under subsection (a) of this section, individual sewage disposal systems may be permitted.

(d) Regardless of locations, lot size, or number of lots a subdivision shall be disapproved where the health officer finds that the drainage, soil conditions, disposal facilities, or other conditions will tend to produce health problems. (Ord. No. 68-12, pt. V, § G.11, 6-3-1968; Ord. No. 2016-72, § I, 10-17-2016)

**Sec. 70-408. Planting screens.**

The subdivider shall plant, install, construct, or otherwise provide, fences, planting strips, or buffers along lot lines which adjoin any existing or planned commercial or industrial area, and shall enclose any hazard which exists or which the plat reviewing authorities find will result from the development of the subdivision. (Ord. No. 68-12, pt. V, § G.12, 6-3-1968)

**Secs. 70-409—70-430. Reserved.**

**ARTICLE VI. ENGINEERING  
SPECIFICATIONS**

DIVISION 1. GENERALLY

**Sec. 70-431. General requirements.**

The construction of improvements required by this chapter shall be in accordance with and to



the specifications set forth in this article, and unless otherwise specified, all construction work shall be done in accordance with the provisions of the standard specifications for road and bridge construction adopted January 1, 2007, by the state department of transportation, and their revisions and additions as adopted from time to time.

(Ord. No. 68-12, pt. VI, § A, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 2007-17, § I, 3-5-2007)

**Secs. 70-432—70-450. Reserved.**

DIVISION 2. STREETS\*

**Sec. 70-451. Generally.**

The specifications set out in this division for the design, grading, and surfacing of new and existing streets shall be adhered to.

(Ord. No. 68-12, pt. VI, § B, 6-3-1968)

**Sec. 70-452. Design.**

(a) *Grades of streets.* The maximum grades of minor arterials shall not exceed three percent. The maximum grades for other streets shall not exceed five percent. In no case shall the grade of any street be less than one-half of one percent.

(b) *Horizontal curvature.* The minimum radius of centerline horizontal curvature shall be as follows:

- (1) Minor arterial: 1,000 feet.
- (2) Collector thoroughfares: 300 feet.
- (3) Local streets: 100 feet.
- (4) Angles on the centerline of a street are not permitted.

(c) *Vertical curvature.* Vertical curves shall not be less than 200 feet in length for collector streets and 100 feet for local streets. The vertical curve at a street intersection shall be not less than 50 feet. A vertical curve shall not be required unless the algebraic difference in the street gradient is greater than 2½ percent. The length of the vertical curve

\***Cross reference**—Streets, sidewalks and other public places, ch. 66.

shall be 40 feet for each one percent difference in gradient. The length of the vertical curve shall be rounded to the nearest 50-foot increment.

(d) *Stopping sight distance.* Stopping sight distance shall be based on a line of sight, one end of which is three feet nine inches above the pavement and the other end which is six inches above the pavement. Minimum sight distance streets shall be 250 feet except that local streets shall have sight distance of not less than 200 feet.

(e) *Intersection sight distance.* The minimum intersection sight distance is 410 feet for a posted speed limit of 30 miles per hour. AASHTO 1984 edition titled "A Policy on Geometric Design of Highways and Streets" should be consulted for other posted speed limits.

(Ord. No. 68-12, pt. VI, § B.1, 6-3-1968; Ord. No. 91-61, 6-3-1991; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-453. Grading.**

All excavation, embankment, and subgrading work shall conform to the standard specifications for road and bridge construction, as specified in section 70-431.

(Ord. No. 68-12, pt. VI, § B.2, 6-3-1968)

**Sec. 70-454. Surfacing.**

The following types of street surfacing shall be considered the minimum requirements:

- (1) Subdivisions containing lots less than 40,000 square feet in area:
  - a. Minor arterials shall be improved with bituminous pavement and concrete curb, gutter, and median strip. The overall width shall be not less than 52 feet face to face of curb, including a median strip of not less than four feet.
  - b. Collectors shall be improved with a bituminous pavement and concrete curb and gutter. The overall width shall be not less than 36 feet face-to-face of curb.
  - c. Local streets shall be improved with a bituminous pavement and con-



crete curb and gutter. The overall width shall be not less than 30 feet face-to-face of curb.

- (2) Subdivisions containing lots not less than 40,000 square feet in area:
  - a. Minor, arterials and collectors shall be as provided in subsection (1) of this section.
  - b. Local streets shall be improved with a bituminous surface treatment not less than 22 feet in width on a gravel or crushed stone base not less than 24 feet in width, with not less than 30 feet in width from shoulder line to shoulder line.

(Ord. No. 68-12, pt. VI, § B.3, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 91-61, 6-3-1991)

**Sec. 70-455. Specifications.**

The following specifications shall be considered the minimum requirements:

- (1) All roadway pavements shall be designed in accordance with applicable sections of the design manual as published and amended from time to time by the [State of] Illinois Department of Transportation. The following two specifications may be used on streets classified as local streets:

*Bituminous cross section:*

- a. One and one-half inches hot-mix asphalt surface course, mix "C", N50.
- b. Two inches hot-mix asphalt binder course, IL-19, N50.
- c. Six inches hot-mix asphalt base course.
- d. Four inches of aggregate base course or 12 inches of lime modified soils, as approved by the village engineer.

*Concrete cross section:*

- a. Nonreinforced Portland Cement Concrete (PCC) pavement having a thickness of not less than six inches with the mixture specifications based on [State of] Illinois Department of Transportation design requirements.

- b. Four inches of aggregate base course or 12 inches of lime modified soils, as approved by the village engineer.

- (2) Curb and gutter:

- a. Curbs and gutters shall conform to the Illinois Department of Transportation standard combination concrete curb and gutter, Type B-6.12.
- b. The outside edge of curbs and gutters shall be parallel to street lines, radii at intersections shall not be less than 25 feet.
- c. Curbs and gutters are required in all subdivisions containing lots having an area of 40,000 square feet or less.
- d. Subdivisions containing lots having an area greater than 40,000 square feet may be required to install curbs and gutters as directed by the village board.

- (3) Storm sewers: Whenever curbs and gutters are required, underground storm sewers shall conform to the standard specifications for road and bridge construction and as set forth in the manual of highway standards.

(Ord. No. 68-12, pt. VI, § B.4, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 2001-20, § 1, 3-5-2001; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-456. Sidewalks.**

(a) Sidewalks shall be located one foot inside the right-of-way line, not more than 12 inches nor less than three inches above the centerline of the street, and shall be not less than four feet in width and four inches in thickness. Construction shall be in accordance of the standard specifications for road and bridge construction and shall comply with the Americans with Disabilities Act. Sidewalks shall be provided five feet wide along all commercial developments. Sidewalks shall be a minimum of six inches thick through driveways.

(b) In all subdivisions where lots are less than 40,000 square feet, sidewalks shall be provided along both sides of all streets except expressways. The village board of trustees also may require that sidewalks be provided elsewhere on both

sides of the street, where considered necessary to public safety due to anticipated concentration of pedestrian traffic. (Ord. No. 68-12, pt. VI, § B.5, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-457. Signs and pavement markings.**

Signs, sign posts, and pavement markings as required, shall meet the minimum requirements for similar signs and posts as shown and set forth in the Manual for Uniform Traffic Control Devices for Streets and Highways as prepared and published by the state department of transportation. Signs, sign posts, and pavement markings shall further meet the standards set forth in the village zoning ordinance. (Ord. No. 68-12, pt. VI, § B.6, 6-3-1968; Ord. No. 91-61, 6-3-1991)

**Sec. 70-458. Minimum standards.**

The specifications contained in this chapter shall not prevent the owner or subdivider from constructing a wider or higher type or better quality improvement. (Ord. No. 68-12, pt. VI, § B.7, 6-3-1968)

**Secs. 70-459—70-475. Reserved.**

DIVISION 3. STORM DRAINAGE

**Sec. 70-476. Facilities required.**

(a) *Stormwater drainage.* Adequate facilities shall be provided in all subdivisions and developments for the proper drainage of stormwater runoff from the ground surface.

(b) *Storm sewers.* Storm sewers shall be constructed throughout the entire subdivision which shall be separate and independent of the sanitary sewer system, and which shall provide an adequate outlet or connection to existing stormwater drainage facilities.

- (1) Storm sewers shall be designed to carry a rate of flow not less than the runoff rate computed by the rational formula modifications of the rational method as follows:

Q = CIA

- where 0 = Runoff rate in cubic feet per second
- A = Tributary drainage area in acres
- I = Rainfall intensity for a ten-year storm frequency in inches per hour
- C = Rainfall - runoff coefficient using the following values:

Surface Type	Coefficient
Roofs and pavements	0.95
Lawns and unimproved land	0.15

- (2) The size of storm sewers shall be determined on the basis of the Kutters formula or the Manning formula using an "n" roughness coefficient of 0.013 for smooth pipe and 0.021 for corrugated pipe.

(c) *Stormwater drainage control regulations.*

- (1) *Definitions.* When used in subsection (c) of this section, the following terms shall have the meaning indicated:

*By-pass channel* means a channel formed in the topography of the earth's surface to carry stormwater runoff through a specific area.

*Control structure* means a structure designed to control the volume of stormwater runoff that passes through it during a specific length of time.

*Dry bottom stormwater storage area* means a facility that is designed to be normally dry and contains water only when excess stormwater runoff occurs.

*Excess stormwater* means that portion of stormwater runoff which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.

*Groundwater recharge* means replenishment of existing natural underground water supplies.

*Natural drainage* means channels formed by the existing surface topography of the earth prior to changes made by unnatural causes.

*Positive gravity outlet* means the drainage of an area by means of natural gravity so that it lowers the free water surface to a point below the existing grade or invert of storm drains within the area.

*Recognized agency* means an agency or governmental unit that has statistically and consistently examined local, climatic and geologic conditions and maintained records as they apply to stormwater runoff, e.g., Metropolitan Water Reclamation District of Greater Chicago, U.S. Weather Bureau, University Illinois State Water Survey, etc.

*Safe storm drainage capacity* means the quantity of stormwater runoff that can be transported by a channel or conduit without having the water surface rise above the level of the earth's surface over the conduit, or adjacent to the waterway.

*Stormwater runoff* means water that results from precipitation which is not absorbed by the soil or plant material.

*Stormwater runoff release rate* means the rate at which stormwater runoff is released from dominant to servient land.

*Stormwater storage area* means areas designated to store excess stormwater.

*Tributary watershed* means all of the area that contributes stormwater runoff to a given point.

*Wet bottom stormwater storage area* means a facility that is designed to be maintained as free water surface or pond.

- (2) *Land drainage requirements.* All land developments and improvements within the jurisdiction and control of the village must have an adequate outlet with safe storm drainage capacity for stormwater drainage as determined by the village engineer. If the stormwater drainage outlet is not adequate, then detention facilities for stormwater runoff shall be provided as determined by the village engineer to store the excess stormwater. A combination of on-site excess stormwater storage and con-

trolled release of stormwater runoff shall be provided for all land uses. A monetary contribution in lieu of detention facilities shall be provided for the following land uses:

- a. Commercial, institutional, and industrial building developments of two acres and less in area.
- b. Multiple-family dwelling developments of five acres and less in area.
- c. Single-family dwelling developments of ten acres and less in area.

The amount of monetary contribution shall be as set forth in section 32-34. Such contribution shall be made prior to recordation of the final plat or issuance of a building permit.

Land uses which are larger than those indicated in this subsection may make a monetary contribution in lieu of detention/retention facilities when the proposed land use is upstream of a planned regional detention/retention facility of which this parcel will be serviced. The parcel being serviced as a result of the regional facilities, shall provide a safe and adequate drainage route to the regional facility. The village board of trustees shall approve the method and amount of the contribution.

- (d) *Excess stormwater storage.*
  - (1) Dry bottom stormwater storage areas shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by occasional or intermittent flooding. A method of carrying the low flow through these areas shall be provided in addition to a system of drains, and both shall be provided with a positive gravity outlet to a natural channel or storm sewer.
    - a. The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of 72 hours.
    - b. Maximum depth of planned stormwater storage shall not exceed four

- feet unless the existing natural ground contours and other conditions lend to greater storage depth, which shall be approved by the village.
- c. Minimum grades for turf areas shall be two percent and maximum slopes shall be ten percent, ten units horizontally to one unit vertically. Storage area side slopes shall be kept as close to the natural land contours as practical and ten percent slopes or less shall be used wherever possible. If slopes greater than ten percent are necessary to meet storage requirements or area restrictions, approval shall be obtained from the village and suitable erosion control provided in addition to the protection required to insure public health, safety, and welfare.
  - d. Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each stormwater storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention and shall become part of the natural or surface channel system. Hydraulic calculations shall be submitted to the village engineer to substantiate all design features. Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety, and welfare. Stormwater runoff velocities shall be kept at a minimum, and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and used only as a last resort when no other method is feasible.
- (2) Wet bottom stormwater storage areas shall be designed in accordance with all the requirements for dry bottom stormwater storage areas except that a low flow conduit and a system of drains with a positive gravity outlet shall be eliminated. However, the following additional conditions shall be complied with:
    - a. Water surface area shall not exceed ten percent of the tributary drainage area.
    - b. Shoreline protection shall be provided to prevent erosion from wave action.
    - c. Minimum normal water depth shall be four feet. If fish are to be used to keep the pond clean, a minimum of 25 percent of the pond area shall have a minimum depth of ten feet.
    - d. Facilities shall be available, if possible, to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
    - e. Control structures for stormwater release shall be designed to operate at full capacity with only a minor increase in the water surface level. Hydraulic calculations shall be submitted to the village engineer to substantiate all design features.
    - f. Aeration facilities to prevent pond stagnation shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the village.
    - g. In the event that the water surface of the pond is to be raised for purposes of storing water for irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of

excess stormwater runoff shall still be sufficient to contain the 100-year storm runoff.

- (3) Paved surfaces that are to serve as stormwater storage areas shall have minimum grades of one percent and shall be restricted to storage depths of one foot maximum. If a portion of an area within a stormwater storage area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest elevation within the storage area as possible. Maximum parking lot grades shall not exceed normal design parameters of three percent to five percent.

(e) *Wetland identification.* Wetland delineations and impacts shall be permitted through the Lake County Stormwater Management Commission in accordance with the watershed development ordinance, as amended from time to time.

(f) *Groundwater recharge.* The ability to retain and maximize the groundwater recharge capacity of the area being developed is encouraged. Design of the stormwater runoff control system shall give consideration to providing groundwater recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. Specific design calculations and details shall be provided with the final plans and specifications presented for village approval. The use of natural gravel deposits for the lower portions of storm runoff storage areas, the flattening of drainage slopes and the retention of existing topography are examples of possible recharge. (Ord. No. 68-12, pt. VI, § C.1—6, 6-3-1968; Ord. No. 91-61, 6-3-1991; Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2013-40, § XII, 8-19-2013)

**Sec. 70-477. Construction of stormwater control facilities.**

The construction of the stormwater control system shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide benefit to the village, negotiations for public participation in the cost of development may be feasible. (Ord. No. 68-12, pt. VI, § C.7, 6-3-1968; Ord. No. 2007-17, § I, 3-5-2007)

**Sec. 70-478. Submittal of engineering design data.**

Plans, specifications and all calculations for stormwater runoff control as required hereunder shall be submitted to the village engineer for review and approval prior to the village's approval of a final plat in the case of subdivisions and planned unit developments, or issuance of a building permit in the case of commercial or industrial construction.

(Ord. No. 68-12, pt. VI, § C.8, 6-3-1968)

**Secs. 70-479—70-495. Reserved.**

DIVISION 4. WATER SUPPLY FACILITIES

**Sec. 70-496. Individual wells.**

(a) *Location.* Individual private wells shall be located at least 25 feet from property lines, 50 feet from septic tanks, 75 feet from soil absorption fields of trench-type construction, 100 feet from seepage pits, 25 feet from all cast iron sewer lines with mechanical or leaded joints, and 50 feet from cast iron sewer lines with unleaded joints, vertified tile lines with watertight joints or watertight sewers of other approved materials. Wells shall not be located within any area subject to flooding, unless proper protection is provided.

(b) *Construction.* Individual wells shall be constructed in accordance with the minimum requirements of the county health department. (Ord. No. 68-12, pt. VI, § D.1, 6-3-1968)

**Sec. 70-497. Public water supplies and distribution systems.**

(a) All subdivisions within the corporate limits of the village, and all other subdivisions with lots of less than one-half acre in area, shall have an interconnected water distribution system supplying all lots with water from a source approved by the village board of trustees and the state environmental protection agency. Where such a water supply is not provided in subdivisions with lots of one-half acre or more in area, outside the corporate limits of the village, conclusive evidence shall be presented by the subdivider, on the basis of



suitable tests and surveys, that an adequate underground water supply is readily available for development at the individual lots.

(b) Water mains shall be not less than six inches in diameter and shall be arranged so as to avoid dead ends. Shut-off valves shall be provided at each branch main connection and elsewhere as required to permit adequate sectionalizing for maintenance purposes. Fire hydrants shall be installed throughout the entire system at intervals not exceeding 400 feet. A house service connection shall be provided at the centerline of each lot, extending to within one foot of the property line, before roadway pavement is constructed. Materials, system arrangement, and details of design shall be subject to the approval of the village board of trustees.  
(Ord. No. 68-12, pt. VI, § D.2, 6-3-1968; Ord. No. 89-55, 5-1-1989)

**Secs. 70-498—70-515. Reserved.**

#### DIVISION 5. SEWAGE DISPOSAL FACILITIES

**Sec. 70-516. Individual sewage disposal facilities.**

Individual sewage disposal facilities shall be designed and constructed in accordance with the minimum standard as specified in the rules and regulations of the county health department.  
(Ord. No. 68-12, pt. VI, § E.1, 6-3-1968)

**Sec. 70-517. Community sewerage and sewage treatment facilities.**

Community sewerage and sewage treatment facilities shall be designed in accordance with the rules and regulations of the state environmental protection agency and subject to the approval of the village board of trustees and the North Shore Water Reclamation District. Plans, specifications, and construction work shall be subject to the approval and inspection of the state environmental protection agency, North Shore Water Reclamation District and the village.  
(Ord. No. 68-12, pt. VI, § E.2, 6-3-1968; Ord. No. 89-55, 5-1-1989; Ord. No. 2016-72, § I, 10-17-2016)

**Secs. 70-518—70-540. Reserved.**

#### ARTICLE VII. EASEMENTS, RESERVATIONS AND VACATIONS

**Sec. 70-541. Dedications.**

(a) *Areas required to be dedicated.* The following areas are required to be dedicated:

- (1) All new streets created by subdivision and shown on plans/maps submitted for approval and recording shall be dedicated outright to the public.
- (2) Additional street widths shall be dedicated along existing thoroughfares where a width greater than that existing is called for by the comprehensive plan, official map, or by this chapter.
- (3) Crosswalks where required under section 70-258, or wherever else located, shall be dedicated.

(b) *Identification of dedications.* Areas to be dedicated shall be clearly identified on the plat as dedicated to the public.  
(Ord. No. 68-12, pt. VII, § A, 6-3-1968)

**Sec. 70-542. Easements.**

(a) *Areas to be shown as easements.* Areas to be shown as easements shall be as follows:

- (1) Public utilities, stormwater facilities and installations shall be located on suitable easements as required by the village.
- (2) Planting strips or buffers shall be located between reverse frontage lots and a thoroughfare, or between incompatible uses, or wherever required.

(b) *Identification of easements.* Easements shall be clearly identified on all plats; e.g., Drainage easement or utility easement.  
(Ord. No. 68-12, pt. VII, § B, 6-3-1968)

**Sec. 70-543. Reservations.**

(a) *Areas to be reserved.* Whenever the area being subdivided embraces all or part of any lands designated on the official map for a school, park, or other community facility, or any other

public use, all land so designated shall be shown on the preliminary plat as being dedicated or reserved for that proposed use, and it shall be reserved by the subdivider for a period of one year from the date of approval of the preliminary plat, during which time it shall be made available to the public agency concerned at the undeveloped acreage price, as determined by an appraisal acceptable to both parties.

(b) *Reservations and preliminary plats.*

- (1) Areas reserved shall be clearly identified on the preliminary plat as reserved in accordance with this chapter.
- (2) The preliminary plat shall also contain the proposals of the subdivider, as they might otherwise be platted, for the areas under reservation, to be applied in the event the land is not acquired by the public within the period of reservation.
- (3) Upon completion of the one year period of reservation, the preliminary plat shall remain a valid preliminary plat for the formerly reserved areas for a period of one year, subject to restrictions imposed by article III of this chapter.

(c) *Reservations and final plats.*

- (1) Where practicable, final plats shall not include areas reserved. The final plats should affect only that portion of the subdivider's land which is unrestricted by the reservations.
- (2) Where final plats must include areas reserved, such areas shall be clearly identified as reserved in accordance with this chapter and shall not contain any proposals of the developer.
- (3) Final plats may be submitted for reserved land unacquired by the public at the close of the one year period. Such plats will be considered additional units of the subdivisions for which initial final plats were recorded.

(d) *Reversion.* If the appropriate public agency having jurisdiction has not within one year of the approval of the preliminary plat, acquired the site reserved for a public use, the subdivider

shall regain full and unencumbered title to such site, and may use it in any way, and for any purpose, permitted by the applicable regulations then in effect.

(Ord. No. 68-12, pt. VII, § C, 6-3-1968)

**Sec. 70-544. Right of refusal.**

The number, size, and location of dedications and easements shall be subject to approval, and the planning and zoning board shall ascertain that the proposed sites are suitable for the proposed uses. The public retains the right to refuse any and all dedications.

(Ord. No. 68-12, pt. VII, § D, 6-3-1968; Ord. No. 2012-25, § II, 4-2-2012)

**Sec. 70-545. Vacations.**

(a) Vacation of any plat or part thereof shall not be granted as a right. The village board may grant the vacation of any plat or part thereof by request of the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. The vacation instrument shall be approved by the board, the county engineer, the highway commissioner of the appropriate township, the district engineer of the state department of transportation, and the public utilities in the same manner as plats of subdivision. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in those tracts. Procedure in all cases, except in cases of consolidation of parcels under section 70-546, the vacation of any plat, or part thereof, or any public right-of-way, easement, or part thereof, shall follow the procedure for the review of plats established in this chapter regulations except that:

- (1) Final action shall be taken by the village board.
- (2) The plat officer shall recommend to the village board a sum to be paid by the owner(s) of abutting properties in consideration of any public property involved in the vacation.



(b) *Standards.* The plat officer and the other administrative officers shall recommend disapproval of any petition for vacation which fails to meet the following standards:

- (1) No vacation shall be approved which creates a condition which would not be permitted under the standards of design set forth in this chapter unless such vacation will at the same time correct a more serious condition which exists contrary to the standards of this chapter.
- (2) No vacation shall be approved which will result in a conflict with the official map of the village.
- (3) No vacation shall be approved which will result in a violation of the village zoning ordinance or other applicable ordinances or regulations, unless such vacation will at the same time correct a more serious condition which exists contrary to such ordinances or regulations.

(c) *Petition form and content.* The sketch and preliminary plat of vacation shall be accompanied by a certified statement of the assessed valuation of all properties surrounding any public right-of-way to be vacated. Final petitions for vacation shall include the following items:

- (1) Three copies of the original plat certified by the recorder to be a true copy of the plat, on which is shown the portion to be vacated outlined in a heavy line and hatched;
- (2) The following deeds, petitions, and certificates, all drafted from models obtainable from the plat officer:
  - a. Deed of vacation.
  - b. Petition, three copies.
  - c. County clerk's certificate.
  - d. Resolution.
  - e. Assessor's certificate.
- (3) The petition as it is presented to the village board to be accompanied by a recommendation from the plat officer.

(d) *Easements.* The vacation of any plat, or part thereof, or right-of-way, easement, or part thereof, shall not be deemed to be a vacation of the rights of any public utility where such public utility has installed its facilities therein. All such vacations shall be made upon the express condition that the abutting property owner grant to all public utilities, their successors and assigns, the right-of-way or easement to operate, maintain, renew, and reconstruct their facilities, over, or under the public right-of-way or easement vacated and such condition shall be noted on the deed or plat of vacation and in the ordinance or resolution of vacation.

(e) *Bonds.* The village may require the petitioner to furnish bond in an amount sufficient to protect the village, indemnifying it for any suit which may be filed for damages sustained as a result of such vacation.

(f) *Limitation.* Nothing contained in this section, nor any required certificate, shall be deemed in any way to limit the right and authority of the village to vacate any plat or part thereof, or any right-of-way or easement or part thereof where it finds that such vacation will serve the public interest.

(g) *Resubdivision in lieu of vacation.* It shall not be necessary to vacate a plat or part thereof in order to proceed with a resubdivision of such plat or part thereof. Resubdivision according to the procedures and standards for subdivision required by the subdivision regulations shall automatically constitute vacation of a prior plat or part thereof, provided that monetary remuneration shall be paid to the village in consideration of any excess public property vacated over that dedicated in the subdivision.

(h) *Cancellation of bonded contracts.* Bonded contract for the improvement of platted streets or alleys shall be automatically cancelled upon vacation of such platted streets or alleys.

(Ord. No. 68-12, pt. VII, § E, 6-3-1968; Ord. No. 2004-18, § I, 4-12-2004; Ord. No. 2007-17, § I, 3-5-2007)

#### **Sec. 70-546. Consolidation of parcels.**

(a) *Consolidation.* There is one required step in the consolidation process: review, approval and execution of a written vacation or covenant instru-

ment, in accordance with subsection (c) below. The community and development director shall be authorized to require the submittal of any information otherwise required for a subdivision process and shall be authorized to impose any additional requirements of article VII. The community development director shall have the final decision making authority on consolidations.

(b) *Consolidation of parcels.* A consolidation of parcels shall be required in the following instances when it is necessary to use or maintain the use of any contiguous nonconforming recorded parcel(s) held in common ownership:

- (1) For construction of a new principal structure, for construction of an addition to an existing structure, or for construction of an accessory structure on the same parcel on which the principal structure exists that will not meet the setback requirement from the common parcel line.
- (2) For construction of more than one accessory residential building or for construction of an accessory residential building larger than 576 square feet in size or the placement of a new septic system or an addition to an existing septic system.
- (3) For construction of any new nonresidential accessory building.
- (4) For receipt of any required building permits from the village for an activity to take place upon all or a portion of the parcels, except for receipt of maintenance and repair permits.
- (5) Construction of accessory structures such as fences, decks, porches, gazebos, sheds and pools may be exempted from the consolidation requirement. They must meet all other applicable zoning requirements.

(c) *Required method of consolidation.* The following methods shall be used for consolidation under this section 70-546:

- (1) *Partial plat vacation.* A consolidation of parcels through plat vacation refers to any required consolidation within the boundaries of a platted subdivision. A consolidation of parcels through partial

plat vacation shall require the recordation of a written vacation instrument consistent with sections 6 and 7 of the Illinois Plat Act, 765 ILCS 205/6 and 765 ILCS 205/7. Forms for this instrument are available from the community development department. Through such recorded vacation instrument, the parcels shall be combined. The community director shall have the authority to approve a consolidation of parcels through plat vacation as contemplated in this section and to execute the written vacation instrument on behalf of the village.

- (2) *Covenant.* A consolidation of parcels through covenant refers to any required consolidation of metes and bounds parcels, not within the boundaries of a platted subdivision, or the consolidation of one or more metes and bounds parcels with a parcel, located within the boundaries of a platted subdivision, that has been vacated through a written vacation instrument in accordance with subsection (1), above. A consolidation by covenant shall be executed through a signed, notarized and recorded covenant on forms available from the community development department. Through such covenant, the applicant shall agree that all parcels comprising the consolidation of parcels shall remain in common ownership in perpetuity, and shall henceforth be considered one zoning lot for development purposes. Such covenant would be binding on the applicant's successors and assigns. The community development director shall have the authority to approve a consolidation through covenant as contemplated in this subsection and to execute the written covenant instrument on behalf of the village.

(d) *Public and private rights not affected.* Nothing in this section 70-545, shall abridge or destroy any public rights in any streets, alleys, public highways, or public grounds; nor shall anything herein be interpreted as abridging or destroying any covenants, conditions, restrictions, reserva-

tions, rights or privileges of the other properties or parties holding any legal interest in, under, or through the terms of the plat. (Ord. No. 2004-18, § II, 4-12-2004)

**Sec. 70-547. Fees.**

The community development director shall establish from time-to-time a reasonable and appropriate filing and processing fee schedule which shall be charged each applicant for consolidation by plat or covenant; such fee schedule shall include all costs of recording instruments with the office of the Lake County Recorder. (Ord. No. 2004-18, § III, 4-12-2004)

**APPENDIX A. CERTIFICATES**

To entitle a final plat to be entered in the proper record books in the office of county recorder of deeds, the following properly executed certificates shall accompany it. These certificates shall be lettered or printed legibly with durable ink, or typed on the face of the plat.

**OWNER CERTIFICATE**

STATE OF ILLINOIS)  
COUNTY OF LAKE) SS

This is to certify that the undersigned is the owner of the land described in the accompanying plat, and that he has caused the same to be surveyed and subdivided, as indicated thereon, for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

I hereby dictate for public use the lands shown on this plat for streets, alleys, and other thoroughfares and hereby also reserve for the AT&T Telephone Company, North Shore Gas Company, and ComEd the easement provisions which are stated on their standard form.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ AD 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(address)

**NOTARY CERTIFICATE**

STATE OF ILLINOIS)  
COUNTY OF LAKE) SS

I, \_\_\_\_\_, a Notary Public in and for said County, in the state aforesaid, do hereby certify that \_\_\_\_\_ personally known to me to be the same persons whose name are subscribed to the foregoing instrument as such owners, appeared before me this day in person and acknowledged that they signed the plat as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal,

Dated this \_\_\_\_\_ day of \_\_\_\_\_ AD 20\_\_.

(Seal) \_\_\_\_\_  
Notary Public

**SURVEYOR CERTIFICATE**

STATE OF ILLINOIS)  
COUNTY OF LAKE) SS

I \_\_\_\_\_, a Registered Illinois Land Surveyor, do hereby certify that I have surveyed, subdivided and staked the premises described in the above caption, that the property hereon shown and described is within the corporate limits of the Village of Gurnee, and that I have monumented the corners of the lots shown hereon and all points of curvature and points of tangency with iron pins, and that the plat hereon drawn is a true and correct representation of the survey and staking. All dimensions shown hereon are in feet and decimals thereof.

Dated at \_\_\_\_\_, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ AD 20\_\_.

(Seal) \_\_\_\_\_  
Registered Illinois Land Surveyor

**COUNTY CLERK CERTIFICATE**

STATE OF ILLINOIS)

COUNTY OF LAKE) SS

I, \_\_\_\_\_, County clerk of Lake County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid forfeited taxes and no redeemable tax sales against any of the land included in the annexed plat.

I further certify that I have received all statutory fees in connection with the annexed plat.

Given under my hand and seal of the County Clerk,

Dated this \_\_\_\_\_ day of \_\_\_\_\_ AD 20\_\_.

(Seal) \_\_\_\_\_  
County Clerk

VILLAGE COLLECTOR CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF LAKE) SS

I, \_\_\_\_\_, Village Clerk for the Village of Gurnee, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been apportioned against the tract of land included in the annexed plat.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, AD 20\_\_.

(Seal) \_\_\_\_\_  
Village Clerk Village of Gurnee

VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF LAKE) SS

Approved by the President and Board of Trustees of the Village of Gurnee, Lake County, Illinois at a meeting,

held this \_\_\_\_\_ day of \_\_\_\_\_ AD 20\_\_.

\_\_\_\_\_  
Village President

\_\_\_\_\_  
Village Clerk

(Seal)

PLANNING AND ZONING BOARD CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF LAKE) SS

Approved by the Planning and Zoning Board of the Village of Gurnee, Lake County, Illinois at a meeting.

Held this \_\_\_\_\_ day of \_\_\_\_\_ AD 20\_\_.

Signed \_\_\_\_\_  
Chairman  
Attest \_\_\_\_\_  
Secretary

VILLAGE ENGINEER/PLAT OFFICER CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF LAKE) SS

I, \_\_\_\_\_, Village Plat Officer/Engineer of the Village of Gurnee, do hereby certify that all provisions pertaining to the Gurnee Subdivision Ordinance, insofar as they pertain to the accompanying plat, have been satisfactorily complied with.

Attested to this \_\_\_ day of \_\_\_\_\_, AD 20\_\_.

\_\_\_\_\_  
Village Plat Officer/Engineer  
Village of Gurnee

FEDERAL EMERGENCY MANAGEMENT AGENCY INSURANCE STATEMENT

I, \_\_\_\_\_ hereby certify that the property shown hereon is (not) in the floodplain as per community panel no. \_\_\_\_\_ dated \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ AD 20\_\_.

\_\_\_\_\_ Illinois Registered Land Surveyor

LAKE COUNTY HIGHWAY SIGNATURE CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF LAKE) SS

This plat is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_ by the County Engineer of Lake County pursuant to Chapter 765, Act 205, Section 2 of the Illinois Compiled Statutes, as amended, as to roadway access to County Highway \_\_\_\_\_ also known as \_\_\_\_\_. Direct access either to or from County Highway \_\_\_\_\_ shall be restricted as shown on this plat and shall be subject to the Lake County Highway Access Regulation Ordinance which requires, in part, that application be made and an access permit be obtained from the County Engineer of Lake County prior to any access installation.

\_\_\_\_\_ Lake County Superintendent of Highways

LAKE COUNTY HEALTH DEPARTMENT CERTIFICATE

STATE OF ILLINOIS)

COUNTY OF LAKE) SS

I, \_\_\_\_\_, hereby certify that the lands described on the above plat of subdivision can be serviced by an individual sewage disposal system.

Approved to this \_\_\_\_\_ day of \_\_\_\_\_, AD 20\_\_.

\_\_\_\_\_ Director, Lake County Health Department

ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATE

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to ILL. Rev. Stat. 1987, ch. 109, par. 2. However, a Highway Permit for access is required by the owner of the property. A plan that meets requirements contained in the Department's "Policy on Permits for Access Driveways to State Highways" will be required by the Department.

\_\_\_\_\_ District Engineer

PLAT SUBMITTAL CERTIFICATE

This Plat submitted for recording by:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

(Ord. No. 89-55, 5-1-1989; Ord. No. 2007-17, § I, 3-5-2007; Ord. No. 2012-25, § II, 4-2-2012)

**APPENDIX B-1. FUNCTIONAL GROUPING OF STREETS AND ROADWAYS**

<i>Classification</i>	<i>Comments</i>
1. <u>Regional Arterial</u> I-94 U.S. 41 IL 120	
2. <u>Major Arterial</u> IL 132 Washington Street IL 21 Delany Road	Frontage Roads near 1-94  North of U.S. 41
3. <u>Minor Arterial</u> Hutchings Road Cemetery Road Delany Road Dilley's Road Gages Lake Road Grand Avenue Grandville Avenue Tri-State Parkway Northwestern Avenue O'Plaine Road Stearns School Road Hunt Club Road Sunset Avenue	South of U.S. 41 North of IL 132     U.S. 41 to Northwestern
4. <u>Collector</u> Belle Plaine Blackstone Avenue  First Street Grandville Avenue Greenleaf Street Heather Ridge Drive Kilbourne Road Lawson Boulevard Leonard Drive Manchester Drive Waveland Avenue Southridge Drive Pauly Drive	North of Woodlawn First to Greenleaf (initial) U.S. 41 to O'Plaine (ultimate) IL 132 to Blackstone Waveland to Northwestern South of IL 132  May upgrade to Minor Arterial Limit access near IL 132  IL 132 to Grandville  Lawson to Pinewood
5. <u>Local</u> Not listed above (Ord. No. 91-61, 6-3-1991)	



## APPENDIX C. DIGITAL SUBMITTAL REQUIREMENTS

### 1.0. Purpose.

The Village of Gurnee digital submission requirements specifies the format of all digital data submitted in accordance with the Village of Gurnee subdivision ordinance which calls for plats and plans submitted for new subdivisions to be compatible with the village's geographic information system (GIS). It is the intent of these requirements to:

- 1) Assist in the implementation of the village's GIS through the inclusion of new developments/subdivisions requiring building permits and other services related to the associated public improvements made to the new subdivision/development.
- 2) To provide data that meets accuracy standards required for new parcels and infrastructure improvements consistent with the village's geodetic control network.
- 3) To provide information necessary to maintain the computer aided dispatch system for emergency 911 calls (future).

### 2.0. Geodetic control.

The Village of Gurnee will make available all Geodetic Control information to be used for survey purposes. All coordinate values for these survey points shall be in Illinois State Plane System using the North American Datum (NAD83), Illinois East Zone 1201. All measurements shall be in US Survey Feet. For more documentation, including station descriptions, of the Village's Geodetic Control network, click on the Survey Monuments link under the Engineering Department section of the Village of Gurnee website (<http://www.gurnee.il.us/engineering/index.html>) or request this report in writing from the Village of Gurnee Engineering Department.

The surveyor or engineer preparing the plans shall tie the boundary into at least two of the above mentioned survey control network. Positional accuracy of any digital submittal should be +/- 3 ft. The basis of bearing for the plans must be in NAD83 coordinate system.

### 3.0. Data formats.

In addition to the final plats, plans, and as-built drawings submitted in hard copy format, a digital data file shall be provided to the Village in one of the following formats:

DGN (Microstation design file)

DXF (AutoCAD drawing exchange file)

DWG (AutoCAD drawing file)

All digital files must be mapped to scale and submitted to the Village on 3.5" floppy disk, CD-ROM, or via e-mail.

### 4.0. Data layering requirements.

In order to evaluate the accuracy and promote the efficient use of the data in the village's GIS, digital file layering has been standardized. The digital data shall use the following layering scheme:

<i>Digital Data Layering Scheme</i>		
<i>Level / Layer Name</i>	<i>Description</i>	<i>Level / Layer</i>
BNDRY	Plat and Condo Boundary Lines	1
ROW	Plat and Condo ROW Lines	2
LOTLNS	Plat and Condo Lot Lines	3
EASMNT	Utility and Drainage Easements	4
SETBCK	Building Setbacks	5
RDNAMES	Road Names	6
DIMNS	Plat and Condo Dimensions	7
CNTERLINE	Street Centerline	8
RDEDGE	Road Edge	9
CRBEDGE	Curb Edge	10
DRVWAY	Driveways	11
SIDEWALK	Sidewalks	12
BLDGS	Building Footprints (theoretical)	13
<i>Water System</i>		
WATMN	Water Mains	14
WVV	Water Valve Vaults	15
WVBX	Water Valve Boxes	16
HYD	Hydrants	17
BBX	Buffalo Boxes	18
WATSVC	Water Services	19
<i>Sanitary Sewer</i>		
SANMN	Sanitary Sewer Mains	20



<i>Digital Data Layering Scheme</i>		
<i>Level / Layer Name</i>	<i>Description</i>	<i>Level / Layer</i>
FORC	Sanitary Force Mains	21
SANMH	Sanitary Man-holes	22
SANS	Sanitary Services	23
<i>Storm Sewer</i>		
STMMN	Storm Sewer Mains	24
STMLAT	Storm Sewer feeder lines	25
STMPOND	Storm water storage facilities	26
STMH	Storm Water manholes	27
STMINL	Storm Water Inlets	28
STMCB	Storm Water Catch Basins	29

- 1) *Annotation.* Annotation submitted digitally must be identical to the annotation submitted on the mylar hardcopy filed with the Village of Gurnee. All other miscellaneous annotation and information, such as north arrow and scale, shall be put on a level greater than 29.
- 2) *Private utilities.* Private utilities such as gas, phone service, electric, etc., will be accepted for any development but shall be clearly labeled and put on a level greater than 29.

**5.0. Adjustments to these requirements.**

The village engineer may waive or adjust requirements specified herein upon a finding that the strict adherence of the requirements does not apply or is contrary to the long-term maintenance of the Geographic Information System of the Village of Gurnee.

(Ord. No. 2002-32, § V, 4-15-2002; Ord. No. 2007-17, § I, 3-5-2007)

## Chapter 71

### **WATERSHED DEVELOPMENT**

#### **Article I. In General**

- Sec. 71-1. Adoption by reference.
- Sec. 71-2. Modifications.
- Sec. 71-3. Violation; penalty.
- Secs. 71-4—71-29. Reserved.

#### **Article II. Illicit Discharge And Connection To Storm Drainage System**

- Sec. 71-30. Purpose.
- Sec. 71-31. Definitions.
- Sec. 71-32. Applicability.
- Sec. 71-33. Responsibility for administration.
- Sec. 71-34. Ultimate responsibility.
- Sec. 71-35. Discharge prohibitions.
- Sec. 71-36. Suspension of MS4 access.
- Sec. 71-37. Industrial or construction activity discharges.
- Sec. 71-38. Monitoring of discharges.
- Sec. 71-39. Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.
- Sec. 71-40. Watercourse protection.
- Sec. 71-41. Notification of spills.
- Sec. 71-42. Enforcement.
- Sec. 71-43. Appeal of notice of violation.
- Sec. 71-44. Enforcement measures after appeal.
- Sec. 71-45. Cost of abatement of the violation.
- Sec. 71-46. Injunctive relief.
- Sec. 71-47. Violations deemed a public nuisance.
- Sec. 71-48. Remedies not exclusive.



## ARTICLE I. IN GENERAL

### Sec. 71-1. Adoption by reference.

(a) The provisions of the Lake County Watershed Development Ordinance approved as amended by the Lake County Board on January 10, 2006, are adopted herein by reference, subject to the modifications, supplements and exceptions set out in this chapter.

(b) In the event of conflict between the provisions of the Lake County Watershed Development Ordinance and any other provisions of the Gurnee Municipal Code, the most stringent provisions shall apply.

(c) The village engineer shall serve as the enforcement officer for the purpose of administering the provisions of the Lake County Stormwater Management Ordinance.  
(Ord. No. 2006-27, § II, 4-3-2006)

### Sec. 71-2. Modifications.

The following sections of the Lake County Watershed Development Ordinance are modified as follows:

- (a) Section A.4 shall be amended to read as follows:

*Section A.4* Prior to the issuance of a Watershed Development Permit, the applicant may request a Conditional Approval of a Clearing and Grading Permit.

- (b) Section A.4.b shall be amended to read as follows:

*Section A.4.b Clearing and Grading Permit.* If all the performance standards and application requirements in Article IV, Section B, C, D, E, and F have been met, except for obtaining all the required local, state and federal approvals, a request for the commencement of clearing or grading activities may be made on a site prior to the issuance of a Watershed Development Permit. The proposed clearing or grading activity may commence with the issuance of a Clearing and Grading Permit. The Clearing and Grading permit constitutes written approval from the Enforcement

Officer and Zoning Administrator and will state the conditions and limitations of the proposed clearing or grading activities. No development activity may occur in those portions of the site for which state and federal permits are required, except for IEPA sewer and water extension permits. Clearing and Grading Permits may not be granted for any development within a Regulatory Floodplain.

- (c) Section B.1.b.3 shall be amended to read as follows:

*Section B.1.b.3* Rainfall data for use with this ordinance shall be Table 13, Bulletin 70, dated 1989 and published by the Illinois State Water Survey, or as directed by the Enforcement Officer of the Certified Community. In no case shall the rainfall dates used by any development be less than that presented in Appendix I of the Watershed Development Ordinance.

- (d) Section B.1.e.1 shall be amended by adding subsection (e), to read as follows:

*Section B.1.e.1 (e)* One (1) foot freeboard between the design high water level and the overflow shall be provided where possible.

(Ord. No. 2006-27, § II, 4-3-2006)

### Sec. 71-3. Violation; penalty.

Any person violating any provision of this chapter shall be punished as provided in section 1-11.

(Ord. No. 2006-27, § II, 4-3-2006)

### Secs. 71-4—71-29. Reserved.

## ARTICLE II. ILLICIT DISCHARGE AND CONNECTION TO STORM DRAINAGE SYSTEM

### Sec. 71-30. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the residents of the Village of Gurnee through the regu-

lation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;
- (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system;
- (3) To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this article.

(Ord. No. 2009-23, § I, 4-6-2009)

### **Sec. 71-31. Definitions.**

For the purposes of this article, the following shall mean:

*Best management practices (BMPs):* Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Clean Water Act:* The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

*Construction activity:* Activities subject to NPDES Construction Permits. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

*Hazardous materials:* Any material, including any substance, waste, or combination thereof,

which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illegal discharge:* Any direct or indirect nonstormwater discharge to the storm drainage system, except as exempted in section 71-35 of this article.

*Illicit connections:* An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drainage system including but not limited to any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drainage system and any connections to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the village; or any drain or conveyance connected from a commercial or industrial land use to the storm drainage system which has not been documented in plans, maps, or equivalent records and approved by the village.

*Industrial activity:* Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

*National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit:* A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Nonstormwater discharge:* Any discharge to the storm drainage system that is not composed entirely of stormwater.

*Person:* Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

*Pollutant:* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

*Premises:* Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Storm drainage system:* Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

*Stormwater:* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

*Stormwater pollution prevention plan:* A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

*Wastewater:* Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(Ord. No. 2009-23, § I, 4-6-2009)

### **Sec. 71-32. Applicability.**

This article shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by the village.

(Ord. No. 2009-23, § I, 4-6-2009)

### **Sec. 71-33. Responsibility for administration.**

The Village of Gurnee shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the village may be delegated in writing by the village administrator to persons or entities acting in the beneficial interest of or in the employ of the village.

(Ord. No. 2009-23, § I, 4-6-2009)

### **Sec. 71-34. Ultimate responsibility.**

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. 2009-23, § I, 4-6-2009)

### **Sec. 71-35. Discharge prohibitions.**

#### (a) *Prohibition of illicit discharges.*

- (1) No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- (2) The commencement, conduct, or continuance of any illegal discharge to the storm drainage system is prohibited.

(b) *Exempt discharges.* The following discharges are exempt from discharge prohibitions established by this article:

- (1) Water line flushing or other potable water sources; landscape irrigation or lawn watering; diverted stream flows; rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems, such as dewatering excavations for foundations or pipelines), crawl space pumps; air conditioning condensation; and springs; noncommercial washing of vehi-

cles, natural riparian habitat or wetland flows, water from swimming pools with less than one part per million (PPM) of chlorine, firefighting activities; and any other water source not containing pollutants.

- (2) Discharges specified in writing by the village as being necessary to protect public health and safety. Dye testing is an allowable discharge, but requires a written notification to the village prior to the time of the test.
- (3) This prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

(c) *Prohibition of illicit connections.*

- (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drainage system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying nonstormwater discharge to the MS4, or allows such a connection to continue.

(Ord. No. 2009-23, § I, 4-6-2009; Ord. No. 2009-30, § I, 4-20-2009)

**Sec. 71-36. Suspension of MS4 access.**

(a) *Suspension due to illicit discharges in emergency situations.* The village may, without prior notice, suspend MS4 discharge access to a person

when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the village may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The village will notify a violator of the proposed termination of its MS4 access. The violator may petition the village for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the village.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-37. Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the village prior to the allowing of discharges to the MS4.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-38. Monitoring of discharges.**

(a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(b) *Access to facilities.* The village shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article.

- (1) If a discharger has security measures in force which require proper identification



and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the village.

- (2) Facility operators shall allow the village ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The village shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the village to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The village has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the village and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (6) Unreasonable delays in allowing the village access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the village reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(c) If the village has been refused access to any part of the premises from which stormwater is discharged, and the village is able to demonstrate

probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the village may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-39. Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.**

The village will adopt requirements identifying best management practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drainage system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-40. Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive

vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-41. Notification of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the village in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village of Gurnee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-42. Enforcement.**

(a) *Notice of violation.* Whenever the village finds that a person has violated a prohibition or failed to meet a requirement of this article, the village may order compliance by written notice of violation to the responsible person.

(b) *[Requirements.]* Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(c) If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(d) *Prosecution and penalties.* In addition to other penalties as may be provided herein, any person who violates this article shall be subject to a fine of not more than \$1,000.00 per occurrence. Each act of violation and every day upon which a violation occurs or continues constitutes a separate violation.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-43. Appeal of notice of violation.**

(a) Any person receiving a notice of violation may make a written appeal to the village administrator's office within five days after the date of the notice of violation and shall contain a specific request for or waiver of a hearing before the village administrator.

(b) When a hearing is waived, the appealing party shall submit what documentation it desires to have the village administrator consider with

the written appeal. The village administrator shall render a decision within ten days of the filing of the written appeal.

(c) If a hearing is requested, the village administrator shall schedule a hearing to be held within 30 days of receipt of the written appeal. The appealing party shall have the right to file additional documents, amend the written appeal, and to appear at such hearing in person, or by attorney, or otherwise, to examine and cross examine witnesses. The decision of the municipal authority shall be final.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-44. Enforcement measures after appeal.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within ten days of the decision of the municipal authority upholding the decision of the village, then representatives of the village shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-45. Cost of abatement of the violation.**

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the village administrator, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the village by reason of such violation.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-46. Injunctive relief.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the village may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-47. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.  
(Ord. No. 2009-23, § I, 4-6-2009)

**Sec. 71-48. Remedies not exclusive.**

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the village to seek cumulative remedies.  
(Ord. No. 2009-23, § I, 4-6-2009)



Chapters 72, 73

**RESERVED**



## Chapter 74

### TAXATION\*

#### Article I. In General

Secs. 74-1—74-30. Reserved.

#### Article II. Home Rule Municipal Retailer's Occupation Tax

Sec. 74-31. Home Rule tax imposed.  
Sec. 74-32. Report.  
Sec. 74-33. Payment of tax.  
Secs. 74-34—74-60. Reserved.

#### Article III. Home Rule Municipal Service Occupation Tax

Sec. 74-61. Home Rule tax imposed.  
Sec. 74-62. Report.  
Sec. 74-63. Payment of tax.  
Secs. 74-64—74-90. Reserved.

#### Article IV. Home Rule Municipal Use Tax

Sec. 74-91. Tax imposed.  
Sec. 74-92. Payment of tax.  
Secs. 74-93—74-120. Reserved.

#### Article V. Foreign Fire Insurance Companies Tax

Sec. 74-121. Compliance required.  
Sec. 74-122. Payment of fees.  
Sec. 74-123. Report of agents.  
Sec. 74-124. Collection of fees.  
Sec. 74-125. Establishment of foreign fire insurance board.  
Sec. 74-126. Establishment of foreign fire insurance fund.  
Sec. 74-127. Transfers to foreign fire insurance fund.  
Sec. 74-128. Administrative procedures.  
Secs. 74-129—74-150. Reserved.

#### Article VI. Hotel or Motel Occupancy Tax

Sec. 74-151. Definitions.  
Sec. 74-152. Tax imposed; liability for payment; additional to other taxes; collection.  
Sec. 74-153. Responsibility of owner to keep daily records; right of village to inspect.  
Sec. 74-154. Transmittal of tax revenue.  
Sec. 74-155. Action to enforce payment.  
Sec. 74-156. Disposition of proceeds from tax and fines.  
Sec. 74-157. Penalties.  
Secs. 74-158—74-176. Reserved.

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\***Cross references**—Any ordinance or resolution promising or guaranteeing the payment of money for the village, or authorizing the issuance of any bonds of the village or any evidence of the village's indebtedness or any contract or obligation assumed by the village saved from repeal, § 1-19(a)(2); any appropriation ordinance saved from repeal, § 1-19(a)(5); any ordinance providing for local improvements and assessing taxes for such improvements saved from repeal, § 1-19(a)(9); administration, ch. 2; finances, § 2-441 et seq.; businesses, ch. 22.



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**Article VII. Resort Hotel Occupancy Tax**

- Sec. 74-177. Definitions.
- Sec. 74-178. Tax imposed, liability for payment; additional to other taxes; collection.
- Sec. 74-179. Responsibility of owner to keep daily records; right of village to inspect.
- Sec. 74-180. Transmittal of tax revenue.
- Sec. 74-181. Action to enforce payment.
- Sec. 74-182. Disposition of proceeds from tax and fines.
- Sec. 74-183. Penalties.
- Secs. 78-184—74-199. Reserved.

**Article VIII. Food and Beverage Tax**

- Sec. 74-200. Food and beverage tax.
- Sec. 74-201. Definitions.
- Sec. 74-202. Tax imposed.
- Sec. 74-203. Collection of tax by retailer.
- Sec. 74-204. Responsibility of owner to keep daily records; right of village to inspect.
- Sec. 74-205. Transmittal of tax collection.
- Sec. 74-206. Transmittal of excess tax collections.
- Sec. 74-207. Late payment fee.
- Sec. 74-208. Action to enforce payment.
- Sec. 74-209. Penalties.
- Sec. 74-210. Confidentiality.
- Secs. 74-211—74-249. Reserved.

**Article IX. Simplified Municipal Telecommunications Tax**

- Sec. 74-250. Definitions.
- Sec. 74-251. Simplified municipal telecommunications tax imposed.
- Sec. 74-252. Collection of tax by retailers.
- Sec. 74-253. Returns to department.
- Sec. 74-254. Resellers.
- Sec. 74-255. Severability.

## ARTICLE I. IN GENERAL

**Secs. 74-1—74-30. Reserved.**

## ARTICLE II. HOME RULE MUNICIPAL RETAILER'S OCCUPATION TAX

**Sec. 74-31. Home Rule 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 this municipality at the rate of one percent gross receipts from such sales made in the course of business while this section is in effect, in accordance with the provisions of section 8-11-1 of the Illinois Municipal Code (65 ILCS 5/8-11-1).

Such "Home Rule Municipal Retailers' Occupation Tax" shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

(Code 1977, § 34.01(a)); Ord. No. 2000-114, § 1(34.01(d)), 9-18-00; Ord. No. 2014-51, § II, 9-8-2014)

**Sec. 74-32. Report.**

Every such person engaged in such business in the village shall file on or before the last 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, (35 ILCS 120/3) approved June 28, 1933, as amended.

(Code 1977, § 34.01(b))

**Sec. 74-33. Payment of tax.**

The department of revenue shall have full power to administer and enforce the provisions of this section, including all civil penalties assessed as an incident to the tax imposed.

(Code 1977, § 34.01(c); Ord. No. 2000-114, § 1(34.01(e)), 9-18-00)

**Secs. 74-34—74-60. Reserved.**

## ARTICLE III. HOME RULE MUNICIPAL SERVICE OCCUPATION TAX

**Sec. 74-61. Home Rule tax imposed.**

A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, at the rate of one percent of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service, in accordance with the provisions of section 8-11-5 of the Illinois Municipal Code (65 ILCS 5/8-11-5).

Such "Home Rule Municipal Service Occupation Tax" shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

(Code 1977, § 34.02(a); Ord. No. 2000-114, § 1(34.02(d)), 9-18-00; Ord. No. 2014-51, § II, 9-8-2014)

**Sec. 74-62. 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 last day of each calendar month, the report to the state department of revenue required by section nine of the Service Occupation Tax Act. (35 ILCS 115/9) approved July 10, 1961, as amended.

(Code 1977, § 34.02(b))

**Sec. 74-63. Payment of tax.**

The department of revenue shall have full power to administer and enforce the provisions of this section, including all civil penalties assessed as an incident to the tax imposed.

(Code 1977, § 34.02(c); Ord. No. 2000-114, § 1(34.02(e)), 9-18-00)

**Secs. 74-64—74-90. Reserved.****ARTICLE IV. HOME RULE MUNICIPAL USE TAX****Sec. 74-91. Tax imposed.**

A tax is hereby imposed in accordance with the provisions of section 8-11-6 of the Illinois Municipal Code, 65 ILCS 5/8-11-6, upon the privilege of using in the village any item of tangible personal property which is purchased outside the state at retail from a retailer, and which is titled or registered with an agency of state government. The tax shall be at a rate of one percent of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955.

(Code 1977, § 34.03(a))

**Sec. 74-92. Payment of tax.**

Such tax shall be collected by the state department of revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.

(Code 1977, § 34.03(b))

**Secs. 74-93—74-120. Reserved.****ARTICLE V. FOREIGN FIRE INSURANCE COMPANIES TAX\*****Sec. 74-121. Compliance required.**

It shall be unlawful for any company, corporation or association not incorporated under the

\*State law reference—Foreign fire insurance companies, 65 ILCS 5/11-10-1.

Editor's note—Ord. No. 2001-09, § 2(Ch. 36(a)—(i), adopted Jan. 22, 2001, repealed former art. V, §§ 74-121—74-126, in its entirety and enacted new provisions to read as herein set out. Prior to amendment §§ 74-121—74-126 pertained to similar subject matter and derived from the 1977 Code § 36.01(a)—(f).

laws of the State of Illinois to engage in effecting fire insurance, or to transact any business of fire insurance, in the village except in full compliance with all of the requirements of sections 74-121—74-124 of this article. Nothing in this section shall be construed or applied, however, to relieve any company, corporation or association from the payment of any loss upon any risk that may be taken in violation of this section.

(Ord. No. 2001-09, § 2(Ch. 36(a), 1-22-01)

**Sec. 74-122. Payment of fees.**

Every company, corporation or association not incorporated under the laws of the State of Illinois that is engaged in effecting fire insurance in the village shall pay, for the maintenance, use and benefit of the fire department of the village, a sum of money equal in amount to two percent per annum of the gross receipts received from fire insurance upon property that is situated in the village. Each such company, corporation or association shall pay, at the rate so prescribed, upon the amount of all premiums that have been received during each year ending on July 1, for any fire insurance effected or agreed to be effected on property located within the village by or with such company, corporation or association during the year.

(Ord. No. 2001-09, § 2(Ch. 36(b), 1-22-01)

**Sec. 74-123. Report of agents.**

Every person acting in the village as agent, or otherwise, for or on behalf of any such company, corporation or association shall, on or before July 15 of each year, render a full and true account, verified by his or her oath, of all premiums upon fire insurance on property located within the village that, during the year ending July 1 preceding such report, shall have been received by him or her, or by any other person for him or her on behalf of any such company, corporation or association. Such agent also shall, at the time of rendering the report, pay the sum of money for which the company, corporation or association represented by him or her is chargeable by virtue of the provisions of this section.

(Ord. No. 2001-09, § 2(Ch. 36(c), 1-22-01)

**Sec. 74-124. Collection of fees.**

The sum of money for which such company, corporation or association effecting fire insurance is chargeable may be recovered from it, or from its agent or agents, by an action in the name of and for the use of the village as for money had and received. Nothing in this section shall be held to exempt any person from indictment and conviction under the provisions of section 11-10-3 of the Illinois Municipal Code.

(Ord. No. 2001-09, § 2(Ch. 36(d), 1-22-2001)

**Sec. 74-125. Establishment of foreign fire insurance board.**

The creation and operation of the foreign fire insurance board shall be governed by 65 ILCS 5/11-10-2.

(Ord. No. 2001-09, § 2(Ch. 36(e), 1-22-2001; Ord. No. 2010-14, § I, 3-1-2010)

**Sec. 74-126. Establishment of foreign fire insurance fund.**

There is hereby established a foreign fire insurance fund to be managed and administered by the foreign fire insurance board.

(Ord. No. 2001-09, § 2(Ch. 36(f), 1-22-2001; Ord. No. 2010-14, § I, 3-1-2010)

**Sec. 74-127. Transfers to foreign fire insurance fund.**

Each year, the treasurer of the foreign fire insurance board shall collect and receive foreign fire insurance fees in the amount prescribed in section 74-122 of this article above and shall deposit such fees into the foreign fire insurance fund.

(Ord. No. 2001-09, § 2(Ch. 36(g), 1-22-2001; Ord. No. 2010-14, § I, 3-1-2010)

**Sec. 74-128. Administrative procedures.**

- (a) The foreign fire insurance board shall make all needful rules and regulations with respect to the foreign fire insurance fund pursuant to state statute and the administrative procedures established for the board.

- (b) The treasurer shall provide a bond to the village in a sufficient amount as determined by the village president; and the village president shall approve such bond, conditioned upon the faithful performance by the treasurer of the treasurer's duties under this article and under the rules and regulations promulgated in accordance with 65 ILCS 5/11-10-2.

- (c) The foreign insurance fund shall be audited as a part of the annual municipal audit to verify that expenditures from the fund are for the maintenance, use and benefit of the fire department.

(Ord. No. 2010-14, § I, 3-1-2010)

**Editor's note**—Sec. I of Ord. No. 2010-14, adopted Mar. 1, 2010, repealed §§ 74-128, 74-129, which pertained to election, powers, duties of foreign fire insurance board; and management and administration of fund, respectively, and enacted new provisions to read as herein set out. Former §§ 74-128, 74-129 derived from Ord. No. 2001-09, adopted Jan. 22, 2001.

**Secs. 74-129—74-150. Reserved.****ARTICLE VI. HOTEL OR MOTEL OCCUPANCY TAX\*****Sec. 74-151. Definitions.**

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

*Hotel room or motel room* means a room within a structure offered for rental on a daily basis and containing facilities for sleeping. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

*Owner* means 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.

\***Cross reference**—Businesses, ch. 22.

**State law reference**—Tax not preempted, 65 ILCS 5/8-11-6a(3).

*Person* means 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.

(Code 1977, § 38.01)

**Cross reference**—Definitions generally, § 1-2.

**Sec. 74-152. Tax imposed; liability for payment; additional to other taxes; collection.**

(a) There is hereby levied and imposed a tax of five percent of the rent charged for the privilege and use of renting a hotel or motel room within the village for each 24-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 30 consecutive days or to a person who works and lives in the same hotel or motel.

(b) The ultimate incidence of any liability for payment of such tax is to be borne by the person who seeks the privilege of occupying the hotel or motel room, such person is referred to in this article as "renter."

(c) The tax levied in this article 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 such tax from the renter of the hotel or motel room and to pay over to the village clerk such 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 such tax from the renter 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 renter at

the time of payment, the amount due under the tax provided in this article shall be stated separately on such documents.

(Code 1977, § 38.02)

**Sec. 74-153. 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 deputy or representative, authorized by him, 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 24-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 any person certified by him as his 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 duly authorized deputy or representative in the discharge of his duties in the performance of this article.

(Code 1977, § 38.03)

**Sec. 74-154. Transmittal of tax revenue.**

(a) The owner or owners of each hotel or motel room within the village shall file tax returns showing tax receipts received with respect to each hotel and motel room during each month upon forms prescribed by the village clerk. The returns shall be due on or before the 20th day of the succeeding calendar month and the return shall indicate for what period the return is to be filed; i.e. return for January receipts is due on or before the 20th day of February. At the time of filing such tax returns, the owner shall pay to the village clerk all taxes due for the period for which the tax return applies.

(b) If for any reason any tax is not paid when due, a penalty at the rate of one percent per month on the amount of the unpaid tax which remains unpaid shall be added and collected.

(c) Except as provided in this section, all information received by the village clerk from returns filed under this article or from any investigation conducted under the provisions of this article, shall be confidential, except for official purposes with the accounts and finance department or pursuant to official procedures for collection of any state tax or enforcement of any civil or criminal penalty or sanction imposed by this article. Nothing contained in this article shall prevent the village clerk from publishing or making available to the public the names and addresses of persons filing returns under this article and the number of rooms covered in such return, or from publishing or making available reasonable statistics concerning the operation of the tax wherein the contents of returns are grouped into aggregates in such a way that the information contained in any individual return shall not be disclosed. The village clerk may make available to





the Secretary of the Treasury of the United States, or a proper official of the state or a delegate of any other state imposing a tax upon a motel or hotel room, for exclusively official purposes, information received by the village clerk in the administration of this article.  
(Code 1977, § 38.04)

**Sec. 74-155. Action to enforce payment.**

Whenever any person shall fail to pay any tax as provided in this article, the village attorney shall, upon the request of the village clerk, bring or cause to be brought an action to enforce the payment of such tax in behalf of the village in any court of competent jurisdiction.  
(Code 1977, § 38.05)

**Sec. 74-156. Disposition of proceeds from tax and fines.**

(a) Two percent of the gross tax revenue collected shall be appropriated for and directed for promotion of tourism and conventions within the village or otherwise to attract nonresidents and overnight visitors to the village, and the village may by special agreement transfer such two percent to a convention or 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.  
(Code 1977, § 38.06)

**Sec. 74-157. Penalties.**

(a) Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$200.00 nor more than as provided in section 1-11 for the first offense and not less than as \$300.00 nor more than provided in section 1-11 for the second and each subsequent offense in any 180-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the state code of civil procedure.

(b) Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedure set forth in section 1-2-1.1 of the Illinois Municipal Code (65 ILCS 5/1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (725 ILCS 5/100-1 et seq.) in a separate proceeding, A separate and distinct offense shall be regarded as committed each day upon which such person shall continue any such violation, or permit any such violation to exist after notification thereof.  
(Code 1977, § 38.07)

**Secs. 74-158—74-176. Reserved.**

**ARTICLE VII. RESORT HOTEL  
OCCUPANCY TAX**

**Sec. 74-177. Definitions.**

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

*Owner* means any person having an ownership interest in or conducting the operation of a resort hotel room or receiving the consideration for the rental of such resort hotel room.

*Person* means 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 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.

*Rent or rental* means a transaction where under the person who owns or controls the resort hotel room permits another person to have the occupancy or use thereof for a consideration and

for the duration of a definite or indefinite period of time without transfer of the title to such resort hotel room.

*Resort hotel* means a full-service hotel with at least the following characteristics:

- (a) 300 rooms;
- (b) 4,000 gross square feet of spa and fitness facilities;
- (c) One full-service restaurant; and
- (d) An accessory recreational or entertainment amenity such as but not limited to a water park, theater, or golf course.

*Resort hotel room* means a room within a resort hotel 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 room. The number of hotel rooms within a suite shall be computed on the basis of those rooms utilized for the purposes of sleeping.

(Ord. No. 2004-104, § I, 12-20-2004)

**Sec. 74-178. Tax imposed, liability for payment; additional to other taxes; collection.**

(a) There is hereby levied and imposed a tax of two percent of the rent charged for the privilege of renting a resort hotel room, where such rent may or may not include the cost of use of the principal recreational or entertainment amenity, within the village for each 24-hour period or any portion thereof for which a daily room charge is made.

(b) The ultimate incidence of any liability for any payment of such tax is to be borne by the person who seeks the privilege of renting the resort hotel room, such person is referred to in this article as "renter."

(c) The tax levied in this article shall be paid in addition to any and all other taxes and charges including, but not limited to, the hotel or motel occupancy tax under section 74-151 et seq. of the village Municipal Code. It shall be the duty of the owner of every resort hotel to secure such tax from the renter of the resort hotel room and to pay

over to the village clerk such 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 such tax from the renter at the time he collects the rental payment for the resort hotel room. Upon the invoice receipt or other receipt or other statement or memorandum of the rent given to the renter at the time of payment, the amount due under the tax provided in this article shall be stated separately on such documents.

(Ord. No. 2004-104, § I, 12-20-2004)

**Sec. 74-179. 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 deputy or representative, authorized by him, shall at all times have full access, which records shall include a daily sheet showing:

- (1) The number of resort hotel rooms rented during the 24-hour period, including multiple rentals of the same resort hotel room where such shall occur; and
- (2) The actual resort hotel tax receipts collected for the date in question.

(b) The village clerk, or any person certified by him as his deputy or representative, may enter the premises of any resort hotel 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 duly authorized deputy or representative in the discharge of his duties in the performance of this article.

(Ord. No. 2004-104, § I, 12-20-2004)

**Sec. 74-180. Transmittal of tax revenue.**

(a) The owner or owners of each resort hotel room within the village shall file tax returns showing tax receipts received with respect to each resort hotel room during each month upon forms

prescribed by the village clerk. Each return shall be accompanied by a certification in a form reasonably acceptable to the village administrator and executed by a duly authorized official of the entity remitting the return which attests to the accuracy and completeness of the return. The returns shall be due on or before the 20th day of the succeeding calendar month and the return shall indicate for what period the return is to be filed; i.e., return for January receipts is due on or before the 20th day of February. At the time of filing such tax returns, the owner shall pay to the village clerk all taxes due for the period for which the tax return applies.

(b) If for any reason any tax is not paid when due, a penalty at the rate of one percent per month on the amount of the unpaid tax which remains unpaid shall be added and collected.

(c) Except as provided in this section, all information received by the village clerk from returns filed under this article or from any investigation conducted under the provisions of this article, shall be confidential, except for official purposes with the accounts and finance department or any state tax or enforcement of any civil or criminal penalty or sanction imposed by this article. Nothing contained in this article shall prevent the village clerk from publishing or making available to the public the names and addresses of persons filing returns under this article and the number of rooms covered in such return. The village clerk may make available to the Secretary of the Treasury of the United States, or a proper official of the state or a delegate of any other state imposing a tax upon a resort hotel room, for exclusively official purposes, information received by the village clerk in the administration of this article. (Ord. No. 2004-104, § I, 12-20-2004)

#### **Sec. 74-181. Action to enforce payment.**

Whenever any person shall fail to pay any tax as provided in this article, the village attorney shall, upon the request of the village clerk, bring or cause to be brought an action to enforce the payment of such tax in behalf of the village in any court of competent jurisdiction. (Ord. No. 2004-104, § I, 12-20-2004)

#### **Sec. 74-182. Disposition of proceeds from tax and fines.**

All of the proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid to the treasury of the village. (Ord. No. 2004-104, § I, 12-20-2004)

#### **Sec. 74-183. Penalties.**

(a) Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$200.00 nor more than as provided in section 1-11 for the first offense and not less than as \$300.00 nor more than provided in section 1-11 for the second and each subsequent offense in any 180-day period; provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the state code of civil procedure.

(b) Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedure set forth in section 1-2-1.1 of the Illinois Municipal Code (65 ILCS 5/1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (725 ILCS 5/100-1 et seq.) in a separate proceeding. A separate and distinct offense shall be regarded as committed each day upon which such person shall continue any such violation, or permit any such violation to exist after notification thereof. (Ord. No. 2004-104, § I, 12-20-2004)

#### **Secs. 74-184—74-199. Reserved.**

### **ARTICLE VIII. FOOD AND BEVERAGE TAX**

#### **Sec. 74-200. Food and beverage tax.**

A tax shall be imposed on the sale at retail of prepared food and alcoholic liquor which is sold in

the village. The tax imposed in this article shall be known and cited as the "Food and Beverage Tax".

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec. 74-201. Definitions.**

For the purposes of this article, unless the context otherwise requires, the following words or terms shall have the meanings respectively applied to them:

(a) *Prepared food:*

- (1) "Prepared food" means and includes any solid, liquid (including both alcoholic and nonalcoholic liquid), powder or item used or intended to be used for human internal consumption, whether simple, compound or mixed, and which has been prepared for immediate consumption.
- (2) "Prepared food" includes any such item purchased for consumption within or upon the premises where it is sold or where such item may be purchased for consumption off the premises. However, with respect to food purchased for consumption off the premises where it is sold, "prepared food" does not mean or include any food which is sold in a sealed bottle, can, carton, or container of the manufacturer or wholesaler or which has not been prepared for immediate consumption.
- (3) "Prepared food" shall not include any sale or purchase of undispensed soft drinks, meaning any complete, finished, ready-to-use, nonalcoholic drink, whether carbonated or not, including but not limited to soda water, cola, fruit juice, vegetable juice, carbonated water, and all other preparations commonly known as soft drinks of whatever kind or description that are contained in any closed or sealed bottle, can, carton or container, regardless of size. Soft drinks as defined herein do not include coffee, tea, noncarbonated water, milk or milk products as defined in the Grade A Pasteurized Milk and Milk Products Act, or drinks containing 50 percent or more natural fruit or vegetable juice.

(b) *Alcoholic liquor* means any alcohol, spirits, wine, beer, or ale as defined, set forth and regulated in chapter 6 of this Code, which is sold at retail either for consumption on the premises where sold or is sold in its original package for consumption off the premises.

(c) *Alcoholic liquor facility* means any establishment licensed under the provisions of chapter 6, Alcoholic beverages, of this Code and that sells alcoholic liquor on a retail basis.

(d) *Person* means any individual, firm, corporation, limited liability company or similar representative or entity.

(e) *Purchase at retail* means to obtain for use or consumption in exchange for consideration, whether in the form of money, credits, barter or in any other nature, and not for resale.

(f) *Retailer* means a person as defined herein that sells or offers for sale prepared food in/or alcoholic liquor for use or consumption and not for resale.

(g) *Prepared food facility:*

- (1) "Prepared food facility" means any person or establishment which sells at retail, food prepared for immediate consumption and whether or not such prepared food facility use is conducted along with any other use(s) in a common premises or business establishment.
- (2) A "prepared food facility" includes, but is not limited to, those persons or establishments, commonly called an inn, restaurant, eating place, drive-in restaurant, bakery, buffet, cafeteria, cafe, lunch-counter, fast food outlet, catering service, coffee shop, diner, sandwich shop, service station mini market; soda fountain, tavern, bar, cocktail lounge, soft drink parlor, ice cream parlor, tea room, delicatessen, movie theater, mobile food or beverage or ice cream vehicle, hotel, motel or club, or other establishment which sells at retail, food which has been prepared for immediate consumption.
- (3) A "prepared food facility" does not include coin operated automatic food item dispens-



ing machines, churches, public or private schools, boarding houses, hospitals, day care centers, nursing homes, retirement centers or similar residential care facilities or programs for the central preparation of meals to be delivered and consumed at private residences of invalids or the elderly, and other facilities of not-for-profit associations or corporations.

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec 74-202. Tax imposed.**

Effective as of and commencing on the July 1, 2006, a tax, in addition to any and all other taxes, is imposed upon the purchase of prepared foods and alcoholic liquor at retail at any prepared food facility or alcoholic liquor facility within the village at a rate of one percent of the purchase price of such prepared foods and alcoholic liquor. The liability for payment of the tax shall be borne by the purchaser.

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec 74-203. Collection of tax by retailer.**

The owner and the operator of each prepared food facility and each alcoholic liquor facility within the village shall jointly and severally have the duty to collect and account for said tax from each purchaser at the time that the consideration for such purchase is paid.

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec 74-204. Responsibility of owner to keep daily records; right of village to inspect.**

The owner and operator of each prepared food facility and each alcoholic liquor facility within the village shall jointly and severally have the duty to maintain complete and accurate books, records and accounts showing the gross receipts for sales of prepared food and alcoholic liquor and the taxes collected each day, which shall be made available to the village for examination and for audit by the village upon reasonable notice and during customary business hours.

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec 74-205. Transmittal of tax collection.**

Each prepared food facility and alcoholic liquor facility within the village shall jointly and severally have the duty to cause to be filed a sworn return with the village clerk for each such facility for each such licensed premises located in the village. Said return shall be prepared and submitted in forms prescribed by the village. Said returns shall be filed with the village by the 20th day of the succeeding calendar month. Said return shall also be accompanied by payment to the village of all taxes imposed by this article which are due and owing for the period covered by the return. The return shall also be accompanied with a copy of the return filed with the Illinois Department of Revenue for sales within the Village of Gurnee covering the same reporting period.

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec 74-206. Transmittal of excess tax collections.**

If any person collects an amount in excess of the tax imposed by this article, but which amount is purported to be a collection thereof, and does not return the same to the purchaser who paid the tax, the person who collected the tax shall account for and pay over those excess amounts to the village along with the tax properly collected.

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec 74-207. Late payment fee.**

If any tax imposed by this article is not paid when due, a late payment penalty equal to five percent of the unpaid tax shall be added for each month, or any portion thereof, that such tax remains unpaid, and the total of such late payment shall be paid along with the tax imposed by this article.

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec. 74-208. Action to enforce payment.**

Whenever any person shall fail to pay any tax as provided in this article, the village attorney shall, upon request of the village clerk, bring or cause to be brought an action to enforce the payment of such tax on behalf of the village in any court of competent jurisdiction.

(Ord. No. 2006-40, § I, 5-15-2006)

**Sec. 74-209. Penalties.**

(a) Any person found guilty of violating, disobeying, omitting, neglecting, failing to submit a correct tax return by the return date or refusing to comply with any of the provisions of this article, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$200.00 nor more than as provided in section 1-11 of this Code for the first offense and not less than \$300.00 nor more than as provided in section 1-11 of this Code for the second and each subsequent offense in any 180-day period; however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure.

(b) Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months under the procedure set forth in Section 1-2-1.1 of the Illinois Municipal Code (65 ILCS 5/1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (725 ILCS 5/100-1 et seq.) in a separate proceeding. A separate and distinct offense shall be regarded as committed each day upon which such person shall continue any such violation, or permit any such violation to exist after notification thereof.

(c) Failure to comply with any provision of this article can result in the suspension, revocation, or refusal to renew alcoholic liquor licenses as defined in chapter 6 of this Code.  
(Ord. No. 2006-40, § I, 5-15-2006)

**Sec. 74-210. Confidentiality.**

All information received by the village from returns filed pursuant to this article or from any investigations conducted pursuant to this article, except for official village purposes, or as required by the Freedom of Information Act, shall be confidential.  
(Ord. No. 2006-40, § I, 5-15-2006)

**Secs. 74-211—74-249. Reserved.****ARTICLE IX. SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX****Sec. 74-250. Definitions.**

As used in this article, the following terms shall have the following meanings:

*Amount paid* means the amount charged to the taxpayer's service address in this municipality regardless of where such amount is billed or paid.

*Department* means the Illinois Department of Revenue.

*Gross charge* means the amount paid for the act or privilege of originating or receiving telecommunications in this municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within this municipality and charges for the portion of the inter-office channels provided within this municipality. Charges for that portion of the inter-office channel connecting two or more channel termination points, one or more of which is located within the jurisdictional boundary of this municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

- (1) Any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this article, (ii) the tax imposed by the Telecommunications Excise Tax Act (35 ILCS 630/1), (iii) the tax imposed by Section 4251 of the Internal

- Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act;
- (2) Charges for a sent collect telecommunication received outside of such municipality;
  - (3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;
  - (4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;
  - (5) Charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act (220 ILCS 5/9-222.1) to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity;
  - (6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;
  - (7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
  - (8) Charges paid by inserting coins in coin-operated telecommunication devices;
  - (9) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act;
  - (10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services of telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.
- Interstate telecommunications* means all telecommunications that either originate or terminate outside this state.
- Intrastate telecommunications* means all telecommunications that originate and terminate within this state.
- Person* means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or



other representative appointed by order of any court, the federal and state governments, including state universities created by statute, or any city, town, county, or other political subdivision of this state.

*Purchase at retail* means the acquisition, consumption or use of telecommunications through a sale at retail.

*Retailer* means and includes every person engaged in the business of making sales at retail as defined in this section. The department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this state in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The permit may be revoked by the department at its discretion.

*Retailer maintaining a place of business in this state*, or any like term, means and includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

*Sale at retail* means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the federal and state governments, and state universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

*Service address* means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

*Taxpayer* means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the article.

*Telecommunications*, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this article, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such

provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be nontaxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this article. For purposes of this section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act (35 ILCS 120/2-27).

*State* means the State of Illinois.  
(Ord. No. 2010-26, § I, 3-15-2010)

**Sec. 74-251. Simplified municipal telecommunications tax imposed.**

A tax is hereby imposed upon any and all the following acts or privileges:

- (a) The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of six percent of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.
- (b) The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of six percent of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multistate or multimunicipal taxation of the act or privilege that is subject to taxation under this subsection, any

taxpayer, upon proof that the taxpayer has paid a tax in another state or municipality in this state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this section to the extent of the amount of such tax properly due and paid in such other state or such tax properly due and paid in a municipality in this state which was not previously allowed as a credit against any other state or local tax in this state.

- (c) The tax imposed by this article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the municipality.

(Ord. No. 2010-26, § I, 3-15-2010; Ord. No. 2010-30, § I, 4-5-2010)

**Sec. 74-252. Collection of tax by retailers.**

- (a) The tax authorized by this article shall be collected from the taxpayer by a retailer maintaining a place of business in this state and shall be remitted by such retailer to the department. Any tax required to be collected pursuant to or as authorized by this article and any such tax collected by such retailer and required to be remitted to the department shall constitute a debt owed by the retailer to the state. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the department. The tax authorized by this article shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the department in the manner provided by the department.
- (b) Whenever possible, the tax authorized by this article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

(Ord. No. 2010-26, § I, 3-15-2010)

**Sec. 74-253. Returns to department.**

On or before the last day of July, and on or before the last day of every month thereafter, the tax imposed under this article on telecommunication retailers shall be returned with appropriate forms and information as required by the department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (636 ILCS 5/5-50) and any accompanying rules and regulations created by the department to implement the Act. (Ord. No. 2010-26, § I, 3-15-2010)

**Sec. 74-254. Resellers.**

(a) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the department for a resale number. Such applicant shall state facts which will show the department why such applicant is not liable for the tax authorized by this article on any of such purchases and shall furnish such additional information as the department may reasonably require.

(b) Upon approval of the application, the department shall assign a resale number to the applicant and shall certify such number to the applicant. The department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(c) Except as provided hereinabove in this section, the act or privilege of originating or receiving telecommunications in this state shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is nontaxable because of being a sale for resale. (Ord. No. 2010-26, § I, 3-15-2010)

**Sec. 74-255. Severability.**

If any provision of this article, or the application of any provision of this article, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this article, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this article.

(Ord. No. 2010-26, § I, 3-15-2010)

Chapters 75—77

**RESERVED**



## Chapter 78

### TRAFFIC AND VEHICLES\*

#### Article I. In General

- Sec. 78-1. State traffic laws adopted.
- Sec. 78-2. Posting signs.
- Sec. 78-3. Vehicles for sale.
- Secs. 78-4—78-30. Reserved.

#### Article II. Administration and Enforcement

##### Division 1. Generally

- Sec. 78-31. General penalties.
- Sec. 78-32. Arrests.
- Sec. 78-33. Tickets.
- Sec. 78-34. Prima facie proof.
- Secs. 78-35—78-39. Reserved.

##### Division 2. Vehicle Seizure and Impoundment

- Sec. 78-40. Definitions.
- Sec. 78-41. Use of motor vehicles for unlawful purposes.
- Sec. 78-42. Seizure and impoundment.
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- Sec. 78-44. Disposition of impounded vehicles.
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- Sec. 78-46. Vehicle possession.
- Secs. 78-47—78-60. Reserved.

#### Article III. Operation of Vehicles

- Sec. 78-61. Through streets and stop intersections.
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- Sec. 78-66. Weight limits.
- Sec. 78-67. Truck routes established.
- Sec. 78-68. Fire lane, fire hydrant and fire connection violations.
- Sec. 78-69. One-way streets and alleys.
- Sec. 78-70. Turning restrictions.
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- Sec. 78-72. Unlicensed motorized vehicles prohibited.
- Secs. 78-73—78-100. Reserved.

#### Article IV. Stopping, Standing and Parking

- Sec. 78-101. Loading zone.
- Sec. 78-102. Overnight parking prohibited.
- Sec. 78-103. Parking in alleys.
- Sec. 78-104. Cab stands; bus stands.
- Sec. 78-105. Parking restrictions.

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\*Cross references—Vehicles crossing fire hoses, § 34-71; law enforcement, ch. 42; inoperable motor vehicles a nuisance, § 46-155; scavengers in vehicles, § 58-65; streets, sidewalks and other public places, ch. 66; vehicles for hire, ch. 90.

## GURNEE MUNICIPAL CODE

- Sec. 78-106. Presumption of responsibility.
- Sec. 78-107. Parking violations.
- Sec. 78-108. Stopping, standing, parking, loading, and unloading prohibited.
- Sec. 78-109. Violation notices.
- Sec. 78-110. Notice of impending suspension of driving privileges.
- Sec. 78-111. Contesting suspension resulting from stopping, standing, and parking traffic law violations.
- Secs. 78-112—78-130. Reserved.

### **Article V. Snowmobiles**

- Sec. 78-131. Definitions.
- Sec. 78-132. Regulations.
- Sec. 78-133. Exceptions.
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- Secs. 78-135—78-149. Reserved.

### **Article VI. Automated Traffic Law Enforcement System**

- Sec. 78-150. Purpose.
- Sec. 78-151. Definitions.
- Sec. 78-152. System locations.
- Sec. 78-153. Duties of traffic administrator.
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- Sec. 78-155. Review of recorded images prior to issuance of violation notice.
- Sec. 78-156. Recorded images confidential.
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- Sec. 78-164. Manner and grounds for contesting final determination of liability.
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- Sec. 78-166. Contesting suspension resulting from automated traffic law violations.
- Sec. 78-167. Penalty.
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### **Article VII. Regulations Pertaining to the Immobilization of Motor Vehicles on Private Property**

- Sec. 78-200. Purpose.
- Sec. 78-201. Definitions.
- Sec. 78-202. Vehicle immobilization limited to commercial parking lots.
- Sec. 78-203. Other limitations and regulations.
- Sec. 78-204. Penalty for violation and exemptions.



## ARTICLE I. IN GENERAL

### Sec. 78-1. State traffic laws adopted.

(a) The Illinois Vehicle Code, 625 ILCS 5/1-100 et seq., is hereby adopted and made a part of this chapter by reference and shall be applicable in the village.

(b) Any person who violates any provision of the Illinois Vehicle Code within the village shall be subject to the penalties provided by this chapter and this Code.

(Code 1977, § 41.01)

### Sec. 78-2. Posting signs.

The chief of police or any other person designated by the board of trustees shall post or cause to be posted suitable signs for all through streets, one-way streets or alleys, stop intersections, and parking regulations.

(Code 1977, § 41.02)

### Sec. 78-3. Vehicles for sale.

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle, merchandise is peddled.

(Code 1977, § 41.10)

### Secs. 78-4—78-30. Reserved.

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT\*

### DIVISION 1. GENERALLY

#### Sec. 78-31. General penalties.

Any person violating any provisions of this chapter shall be fined not less than \$10.00 nor more than as provided in section 1-11.

(Code 1977, § 41.23(a))

#### Sec. 78-32. Arrests.

Any person arrested for a violation of any provision of this chapter shall be released upon

\*Cross reference—Administration, ch. 2.

proper bail being furnished as required by state statute. The police officer in command at the station may, in the absence of a judge, prescribe the amount of bail or bond in each instance. Provided that any arrested person may at his own request, have the amount of such bond set by a judge as provided by statute.

(Code 1977, § 41.23(b))

#### Sec. 78-33. Tickets.

For offenses other than driving while intoxicated or reckless driving, police officers, after making note of the license number of the vehicle (and the name of the offender where possible) may issue a traffic violation ticket in accordance with the provisions of 625 ILCS 5/6-106 notifying the offender to appear in court at the time designated for hearing such cases. Such officer may sign a complaint for the issuance of a warrant if the offender does not appear at the time and place so specified.

(Code 1977, § 41.23(c))

#### Sec. 78-34. Prima facie proof.

The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking.

(Code 1977, § 41.23(d))

### Secs. 78-35—78-39. Reserved.

### DIVISION 2. VEHICLE SEIZURE AND IMPOUNDMENT

#### Sec. 78-40. Definitions.

For purposes of this section, the following terms shall have the meanings stated in this section:

- (a) *Business day* means any day in which the office of the village clerk of the Village of Gurnee is open to the public for a minimum of seven hours.
- (b) *Motor vehicle* means every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles and motor scooters.

(c) *Owner of record* means the recorded title holder(s) of the vehicle.  
(Ord. No. 2007-21, § I, 3-19-2007)

**Sec. 78-41. Use of motor vehicles for unlawful purposes.**

(a) *Conduct prohibited.* A motor vehicle that is used in connection with any of the following violations may 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 fee as prescribed herein, plus any applicable towing and storage fees prior to the vehicle being released to the owner:

- (1) Driving under the influence, as provided in section 78-1 of this Code or section 11-501(a) of the state vehicle code (625 ILCS 5/11-501(a)). The administrative fee for said violations shall as set forth in section 32-37, in addition to any applicable towing and storage fees.
- (2) Driving with a suspended or revoked license, as provided in section 6-303 of the state vehicle code (625 ILCS 5/6-303), as a result of a conviction pursuant to section 11-501(a) of the state vehicle code, section 78-1 of this Code, or similar provision of another municipal ordinance, or suspension under 625 ILCS 5/11-501(a). The administrative fee for said violations shall be as set forth in section 32-37, in addition to any applicable towing and storage fees.
- (3) Driving while license suspended or revoked, as provided in section 5/6-303 of the state vehicle code (625 ILCS 5/6-303), as a result of having two or more drivers license suspensions or revocations in effect on their drivers license in this or any other state or province, except that vehicles shall not be subject to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing as set forth in 625 ILCS 5/11-208.7(6) et seq., as amended. The administrative fee for said violations shall be as set forth in section 32-37, in addition to any applicable towing and storage fees.

(4) Driving while license suspended or revoked, as provided in section 5/6-303 of the state vehicle code (625 ILCS 5/6-303), as a result of having three or more convictions for any moving offenses within the immediately preceding 12 months in this or any other state or province, except that vehicles shall not be subject to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing as set forth in 625 ILCS 5/11-208.7(6) et seq., as amended. The administrative fee for said violations shall be as set forth in section 32-37, in addition to any applicable towing and storage fees.

(b) It shall not be necessary for criminal charges to be filed, prosecuted, and/or proven in order to demonstrate that one or more of the violations has/have been committed.

(Ord. No. 2007-21, § I, 3-19-2007; Ord. No. 2012-50, § II, 5-21-2012; Ord. No. 2013-40, § XIII, 8-19-2013)

**Sec. 78-42. Seizure and impoundment.**

(a) Whenever a police officer has reason to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer may provide for the towing of the vehicle to a facility approved by the chief of police. This section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered.

(b) The police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request an administrative hearing to be conducted under this section.

(Ord. No. 2007-21, § I, 3-19-2007)

**Sec. 78-43. Administrative hearing.**

(a) Within five business days after a vehicle is seized and impounded pursuant to this section, the village shall notify, personally or by certified mail, the owner of record of the owner's right to request a hearing to challenge whether a violation of this section has occurred. The owner of record seeking a hearing must file a written request for a hearing with the village administrator or designee no later than ten business days after notice was issued. The hearing date must be no more than ten business days after a request for a hearing has been filed and shall be conducted pursuant to the administrative hearing procedures set forth in chapter 2, section 2-300 et seq. of this Code.

(b) All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the hearing and hearsay evidence shall be admissible. In a hearing on the propriety of impoundment of a vehicle any sworn or affirmed report, citation or ticket that (i) is prepared in the performance of a law enforcement officer's duties and (ii) sufficiently describes the circumstances leading to the impoundment, shall be admissible evidence of the vehicle owner's liability, unless rebutted by clear and convincing evidence to the contrary.

(c) If, after the hearing, the administrative hearing officer determines by a preponderance of evidence that the vehicle was used in violation of this section, the administrative hearing officer shall then enter an order finding the owner of record of the vehicle civilly liable to the village for the administrative penalty.

(d) If, after a hearing, the administrative hearing officer does not determine by a preponderance of the evidence that the vehicle was used in such a violation, the administrative hearing officer shall enter an order finding for the owner and for the return of the vehicle.

(e) If the owner of record requests a hearing but fails to appear at the hearing or fails to request a hearing in a timely manner, the owner of record shall be deemed to have waived his or her right to a hearing and the administrative

hearing officer shall enter a default order in favor of the village in the amount of the administrative penalty.

(f) If the owner pays the administrative penalty and the vehicle is returned to the owner, no default order need be entered if the owner is informed of his or her right to a hearing and signs a written waiver, in which case an order of liability shall be deemed to have been made when the village receives the written waiver.  
(Ord. No. 2007-21, § I, 3-19-2007)

**Sec. 78-44. Disposition of impounded vehicles.**

An administrative penalty imposed pursuant to this section shall constitute a debt due and owed the village. A vehicle impounded pursuant to this section shall remain impounded until:

- (1) The administrative penalty as set forth herein is paid to the village and all applicable towing and storage fees are paid to the towing agent, in which case the owner of record shall be given possession of the vehicle; or
- (2) A bond in the amount of the administrative penalty is posted with the police department and all applicable towing and storage fees are paid to the towing agent, at which time the vehicle will be released to the owner of record; or
- (3) The vehicle is deemed abandoned, in which case the vehicle shall be disposed of in the manner provided by law for the disposition of abandoned vehicles.

(Ord. No. 2007-21, § I, 3-19-2007)

**Sec. 78-45. Posting of bond.**

(a) If a bond is posted with the police department, the impounded vehicle shall be released to the owner of record. The owner of the vehicle shall still be liable to the towing agent for any applicable towing and storage fees.

(b) If an administrative penalty is imposed for violation of this section, the bond will be forfeited to the village; however if a violation of this section



<i>Right-of-Way Streets</i>	<i>Stop Streets</i>	<i>Right-of-Way Streets</i>	<i>Stop Streets</i>
Cascade Way	Kingsport Drive	Delany Road	North Brown Circle
Cascade Way	Old Walnut Circle	Delany Road	South Brown Circle
Cascade Way	Penny Lane	Delany Road	Stoney Island Avenue
Cascade Way	Sierra Place	Delany Road	Woodcrest Court
Cascade Way	Snow Cap Court	Delaware Avenue	Madison Avenue
Cascade Way	Strawberry Fields	Depot Road	Centennial Court
Cascade Way	Treetop Lane	Dilleys Road	Lawson Boulevard
Cedar Avenue	Juniper Street	Dilleys Road	Nations Drive
Cedar Avenue	Spruce Street	Dilleys Road	Steeple Pointe Boulevard
Cemetery Road	Honeysuckle Lane	Dilleys Road	Westminster Lane
Cemetery Road	Morningside Court	Dilleys Road	Woodhill Drive
Chancery Road	Turnham Green Road	Dorchester Avenue	Gould Street
Chapel Hill	Steeple Pointe Boulevard	Drexel Avenue	Ferndale Street
Clem Drive	Blanc Court	Eagle Ridge Drive	Sandwedge Place (both inter- sections)
Clem Drive	Easton Court		Angelo Avenue
Clem Drive	Woodbury Circle	Eastwood Avenue	Ferndale Street
Colby Road	Chandler Road	Ellis Avenue	Birch Drive
Colby Road	Dunham Road	Elm Road	Harper Avenue
Colby Road	Mitchell Court	Estes Street	Kenwood Avenue
Conifer Lane	Spruce Pointe Drive	Estes Street	University Avenue
Constitution Avenue	Hancock Lane	Estes Street	Brookstone Place
Constitution Avenue	Liberty Lane	Fair Links Way	Grandview Avenue
Country Club Avenue	Belle Plaine Avenue	Ferndale Street	Grandville Avenue
Crescent Avenue	Bay Place	Ferndale Street	Bennett Avenue
Crescent Avenue	Boulevard View Avenue	First Street	Dorchester Avenue
Cross Road	Middle Road	First Street	Ellis Avenue
Crossland Boulevard	Adderly Lane	First Street	First Place
Crossland Boulevard	Darnell Lane	First Street	Harper Avenue
Dada Drive	Cheswick Drive	First Street	Jeffery Avenue
Dada Drive	Hadley Circle	First Street	Kenwood Avenue
Dada Drive	Knottingham Drive	First Street	Lake Park Avenue
Dada Drive	Knowles Road	First Street	Stoney Island Avenue
Dada Drive	Laurel Lane	First Street	Woodlawn Avenue
Dada Drive	Oakmeadow Court	First Street	Belle Plaine Avenue
Dada Drive	Ravinia Drive	Florida Avenue	Magnolia Avenue
Dada Drive	Smithfield Court	Florida Avenue	Lamb Lane
Dada Drive	Stonebrook Drive	Foxworth Lane	Portsmouth Circle
Dada Drive	Suffolk Court	Foxworth Lane	Sumner Circle
Dada Drive	Tyme Court	Foxworth Lane	Surrey Court
Dada Drive	Village Lane	Foxworth Lane	Whittington Court
Dada Drive	Vineyard Drive	Foxworth Lane	Boulders Drive
Dada Drive	Vista Drive	Fuller Road	Glendale Drive
Dada Drive	Windemere Circle	Fuller Road	Prairie Oak Road
Deer Run	Fox Lane	Fuller Road	Red Pine Avenue
Deer Run	Shagbark Court	Fuller Road	Sedona Court
Delany Road	Barberry Lane	Fuller Road	Spruce Pointe Drive
Delany Road	Bennett Avenue	Fuller Road	Windwood Court
Delany Road	Charles Avenue	Fuller Road	Colby Road
Delany Road	Grandview Avenue	Gages Lake Road	Hickory Haven Drive
Delany Road	Grandville Avenue	Gages Lake Road	Leonard Drive
Delany Road	Jeffery Avenue	Gages Lake Road	Murifield Drive
Delany Road	Kenwood Avenue	Gages Lake Road	Crystal Place
Delany Road	Lake Park Avenue	Geneva Drive	Milan Way
Delany Road	Morrison Drive	Geneva Drive	



*Right-of-Way Streets*

*Stop Streets*

*Right-of-Way Streets*

*Stop Streets*

Geneva Drive	Sierra Place (south intersection)	IL Route 132	Milwaukee Avenue
Glen Flora Avenue	Bay Place	IL Route 132	Pine Grove Avenue
Glen Flora Avenue	Pine Grove Avenue	IL Route 132	Rogers Road
Glendale Drive	Rogers Road	IL Route 132	Spruce Street
Golfview Drive	Fair Links Way	IL Route 132	Vineyard Drive
Golfview Drive	Rolling Green Street	IL Route 21	Waveland Avenue
Grand Avenue	Arlington Lane	IL Route 21	Adele Drive
Grandmore Avenue	Pine Grove Avenue	IL Route 21	Boulders Drive
Grandview Avenue	Blackburn Street	IL Route 21	Des Plaines Court
Grandview Avenue	Estes Street	IL Route 21	Glendale Drive
Grandview Avenue	Greenview Street	IL Route 21	Heather Ridge Drive
Grandville Avenue	Blackburn Street	IL Route 21	Manchester Drive
Grandville Avenue	Estes Street	IL Route 21	Milwaukee Avenue
Grandville Avenue	Greenleaf Street - South approach	IL Route 21	Prairie Oak Road
Grandville Avenue	Oakwood Street	IL Route 21	Queen Anne Lane
Grandville Avenue	Waveland Avenue	IL Route 21	Ridge Drive
Greenhaven Lane	Minthaven Court	IL Route 21	Rolling Woods
Greenleaf Street	Drexel Avenue	IL Route 21	South Road
Greenleaf Street	Ellis Avenue	IL Route 21	Spinney Run Drive
Greenleaf Street	Oglesby Avenue	Inglenook Lane	Woodlake Boulevard
Greenleaf Street	Stoney Island Avenue	Inverness Drive	Dolcetto Lane
Greystone Drive	Nursery Drive (east intersection)	Kilbourne Road	Murifield Drive
Greystone Drive	Panorama Lane	Kilbourne Road	Emerald Avenue
Grove Avenue	Bay Place	King's Way North	Old Grand Avenue
Grove Avenue	Lee Avenue	King's Way North	Concord Square
Hartford Drive	Bennington Drive (north intersection)	King's Way North	Covenant Court
Hartford Drive	Revere Court	King's Way North	Mayflower Court
Hawthorne Avenue	Dorchester Avenue	King's Way North	Pilgrim's Path
Hawthorne Avenue	Harper Avenue	King's Way North	Long Hill Road
Hawthorne Avenue	Kenwood Avenue	King's Way North	Providence Road
Highland Avenue	Belle Plaine Avenue	King's Way West	Sleepy Hollow Lane
Hillview Drive	Cliffwood Lane	Knobb Hill Lane	Bentley Drive
Hillview Drive	Treetop Lane	Knottingham Drive	Bradley Drive
Hunt Club Road	Andover Drive	Knottingham Drive	Camden Drive
Hunt Club Road	Cunningham Court	Knowles Road	Clavey Lane
Hunt Club Road	Foxworth Lane	Knowles Road	Nursery Drive
Hunt Club Road	Lockwood Lane	Knowles Road	Scarborough Drive
IL Route 132	Boulevard Street View Avenue	Korbel Drive	Clem Drive
IL Route 132	Bridlewood Avenue	Korbel Drive	Dolcetto Lane
IL Route 132	Elsie Avenue	Korbel Drive	Inglenook Lane
IL Route 132	Estes Street	Korbel Drive	Napa Drive
IL Route 132	Ferndale Street	Lauren Court	St. Andrews Lane
IL Route 132	Fuller Road	Lawrence Avenue	University Avenue
IL Route 132	Old Grand Avenue	Lawson Boulevard	Acacia Court
IL Route 132	Greenleaf Street	Lawson Boulevard	Adams Court
IL Route 132	Greenview Street	Lawson Boulevard	Alder Court
IL Route 132	Juniper Street	Lawson Boulevard	Barnwood Drive
IL Route 132	Kilbourne Road	Lawson Boulevard	Beechwood Avenue North Approach
IL Route 132	Lawrence Avenue	Lawson Boulevard	Butternut Court
IL Route 132	Magnolia Avenue	Lawson Boulevard	Constitution Avenue
			Coventry Lane
			Delaware Avenue
			Franklin Court

*Right-of-Way Streets*

Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Lawson Boulevard  
 Leonard Drive  
 Leonard Drive  
 Leonard Drive  
 Leonard Drive  
 Leonard Drive  
 Leonard Drive  
 Leonard Drive  
 Leonard Drive  
 Leonard Drive  
 Leonard Drive  
 Longmeadow Drive  
 Longmeadow Drive  
 Madison Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Magnolia Avenue  
 Manchester Drive  
 Manchester Drive  
 Manchester Drive  
 Maplewood Drive  
 McClure Avenue  
 Mendocino Drive  
 Millstone Lane  
 Millstone Lane  
 Murifield Drive  
 New Haven Avenue  
 Northridge Drive  
 Northwestern Avenue  
 Northwestern Avenue  
 Northwestern Avenue

*Stop Streets*

Gatewood Drive  
 Hancock Lane  
 Hollyhock Court  
 Ironwood Court  
 Lezlie Lane  
 Liberty Lane  
 Madison Avenue  
 Maplewood Drive  
 Oakview Lane  
 Pembroke Court  
 Pinewood Road  
 Portage Lane  
 Quincy Court  
 Rockpointe Court  
 Rosemary Lane  
 Sunrise Lane  
 Windwood Court  
 Winona Lane  
 Compton Court  
 Darnell Lane  
 Dunhill Court  
 Eagle Ridge Drive  
 Formoor Lane  
 Gloster Court  
 Golfview Drive  
 Pebble Creek Court  
 Angelo Avenue  
 Williamsburg Avenue  
 Constitution Avenue  
 Atlantic Avenue  
 Cheyenne Road  
 Clearview Avenue  
 Grandmore Avenue  
 Grandview Avenue  
 Grove Avenue  
 Highland Avenue  
 Johns Manville Avenue  
 Keith Avenue  
 Lee Avenue  
 Pacific Avenue - Two-way  
 Sherman Avenue  
 Beth Court  
 Dunham Road  
 Edington Lane  
 Ashwood Lane  
 Gillings Drive  
 Garnacha Drive  
 Greenfield Court  
 Preston Court  
 Doral Drive  
 Waterbury Avenue  
 Plaza Drive  
 Clearview Court  
 Country Club Avenue  
 Florida Avenue

*Right-of-Way Streets*

Northwestern Avenue  
 Northwestern Avenue  
 Northwestern Avenue  
 Northwestern Avenue  
 Notting Hill Road  
 Notting Hill Road  
 Notting Hill Road  
 Notting Hill Road  
 Nursery Drive  
 Nursery Drive  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 O'Plaine Road  
 Oakmont Lane  
 Oakmont Lane  
 Oakview Lane  
 Old Farm Lane  
 Old Grand Avenue  
 Old Grand Avenue  
 Old Grand Avenue  
 Old Grand Avenue  
 Old Grand Avenue  
 Old Grand Avenue  
 Old Walnut Circle  
 Old Walnut Circle  
 Old Walnut Circle  
 Pacific Avenue  
 Pennsbury Lane  
 Pennsbury Lane  
 Pine Grove Avenue  
 Pinetree Drive  
 Pinewood Road  
 Pinewood Road  
 Pinewood Road  
 Pinewood Road  
 Pinewood Road  
 Pinewood Road  
 Pinewood Road  
 Pinewood Road  
 Plainview Road  
 Portsmouth Circle  
 Prairie Oak Road  
 Prairie Oak Road  
 Prairie Oak Road  
 Presidential Drive  
 Providence Road  
 Providence Road

*Stop Streets*

Johns Manville Avenue  
 Keith Avenue  
 Pacific Avenue  
 Swanson Court  
 Chancery Road  
 Chapel Hill  
 Turnham Green Road  
 Westminster Lane  
 Greystone Drive (west intersection)  
 Sutton Place  
 Blackstone Avenue  
 Cornell Avenue  
 Country Trail  
 Elm Road  
 Hayner Avenue  
 King's Way North  
 McClure Avenue  
 North Avenue  
 Providence Road  
 Russell Avenue  
 Inverness Drive  
 Southridge Drive  
 Parkside Court  
 Foxboro Lane  
 Delany Road  
 Depot Road  
 First Street  
 Greenleaf Street  
 Old Grand Avenue (leg to Emerald Avenue)  
 Brentwood Lane  
 Clarendon Lane  
 Prescott Lane  
 Bay Place  
 Arlington Lane  
 Millstone Lane  
 Grandview Avenue  
 Norfolk Court  
 Acorn Court  
 Cedarwood Court  
 Fernwood Court  
 Hazelwood Court  
 Monterey Court  
 Pinetree Drive  
 Sherwood Court  
 Yew Court  
 Knobb Hill Lane  
 Castlewood Court  
 Carriage Drive  
 Deer Run  
 Oak Lane  
 Capital Lane  
 Calvin Court  
 Cole Court



*Right-of-Way Streets*

Providence Road  
 Providence Road  
 Providence Road  
 Providence Road  
 Red Pine Avenue  
 Red Pine Avenue  
 Revere Court  
 Ravinia Drive  
 Ravinia Drive  
 Rogers Road  
 Rolling Green Street  
 Rollins Road  
 Scranton Drive  
 Scranton Drive  
 Scranton Drive  
 Sierra Place  
 Sierra Place  
  
 Sierra Place  
 Sierra Place  
 Sierra Place  
 South Fork Drive  
 South Fork Drive  
 South Fork Drive  
 South Road  
 South Road  
 Southridge Drive  
 Southridge Drive  
 Southridge Drive  
 Southridge Drive  
 Southridge Drive  
 South Stratton Lane  
 St. Andrews Lane  
 St. Paul Avenue  
 Stearns School Road  
 Stearns School Road  
 Stearns School Road  
 Stearns School Road  
 Stearns School Road  
 Stonebrook Drive  
 Strawberry Fields  
 Suffolk Court  
 Suffolk Court  
 Sunnyside Avenue  
 Sunnyside Avenue  
 Tri-State Parkway  
 Tri-State Parkway  
 US Route 41  
 US Route 41  
 US Route 41  
 US Route 41  
 US Route 41  
 US Route 41  
 US Route 41  
 US Route 41  
 US Route 41

*Stop Streets*

Lexington Square East  
 Lexington Square West  
 Majestic Court  
 Plymouth Court  
 Alpine Court  
 Ravine Drive  
 Castlewood Court  
 Rippling Ridge Court  
 Vista Drive  
 Ridge Drive  
 Brookstone Place  
 Scarborough Drive  
 Garnacha Drive  
 Nursery Drive  
 Scarborough Drive  
 Crystal Place  
 Geneva Drive (North  
 intersection)  
 Hillview Drive  
 Milan Way  
 Ravinia Drive  
 Barn Swallow Court  
 Habitat Court  
 Lone Tree Court  
 Darlene Drive  
 Rogers Road  
 Cemetery Road  
 Indian Trail Road  
 Old Farm Lane  
 Sleepy Hollow Lane  
 Wildflower Lane  
 Auburn Lane  
 Aberdare Lane  
 Lee Avenue  
 Conifer Lane  
 Fuller Road  
 Lawson Boulevard  
 Notting Hill Road  
 Westfield Drive  
 Camden Drive  
 Abbey Road  
 Foxworth Lane  
 Hartford Drive  
 Crabtree Court  
 Tanglewood Drive  
 Centerpoint Court  
 Lakeside Drive  
 Ambrogio Drive  
 Blackburn Street  
 Blackstone Avenue  
 Depot Road  
 Estes Street  
 Ferndale Street  
 Kilbourne Road  
 St. Paul Avenue

*Right-of-Way Streets*

Vineyard Drive  
 Vineyard Drive  
 Vineyard Drive  
 Vista Drive  
 Vista Drive  
 Wausau Lane  
 Washington Street  
 Washington Street  
 Washington Street  
 Washington Street  
 Washington Street  
 Washington Street  
  
 Waterbury Avenue  
 Waterbury Avenue  
 Waterbury Avenue  
 Waveland Avenue  
 Westfield Drive  
 Westfield Drive  
 Wildflower Lane  
 Wildflower Lane  
 Wildflower Lane  
 Wildflower Lane  
 Wildflower Lane  
 Williamsburg Avenue  
 Woodbury Circle  
  
 Woodbury Circle  
 Woodbury Circle  
 Woodlawn Avenue  
 Woodlawn Avenue  
 Woodlawn Avenue  
 Woodlawn Avenue  
 Woodlawn Avenue  
 Woodlawn Avenue  
 Woodlawn Avenue

*Stop Streets*

Almaden Lane  
 Bittersweet Drive  
 Korbel Drive  
 Canyon Court  
 Panorama Lane  
 Eau Claire Court  
 Ambrogio Drive  
 Buckingham Drive  
 Churchill Lane  
 Hillview Drive  
 Kingsport Drive  
 Old Walnut Circle  
 Washington Street Frontage  
 Road  
 Chatham Avenue  
 Longmeadow Drive  
 Waterford Way  
 Grandmore Avenue  
 Cherrywood Court  
 Maplewood Drive  
 Estate Circle  
 Hill-N-Dale Court  
 Plainview Road  
 Saratoga Court  
 South Fork Drive  
 Cornell Avenue  
 Almaden Lane (South  
 intersection)  
 Lenox Court  
 Pennsbury Lane  
 Briar Avenue  
 Estes Street  
 Ferndale Street  
 Hawthorne Avenue  
 Lawrence Avenue  
 Magnolia Avenue  
 Pine Grove Avenue

**THREE-WAY STOPS**

Blackstone Avenue and Greenleaf Street  
 Cemetery Road and Tri-State Parkway  
 Colby Road and Manchester Drive  
 Grandville Avenue and Northwestern Avenue  
 Heather Ridge Drive at Leonard Drive and  
 Manchester Drive  
 Lawson Boulevard and Pauly Drive  
 Long Hill Road and Middle Road  
 Mendocino Drive and Vineyard Drive  
 Pauly Drive at Pinewood Road

Red Pine Avenue and Lawson Boulevard  
 St. Paul Avenue at Grove Avenue  
 Woodhill Drive and Dilley's Road

#### FOUR-WAY STOPS

Adele Drive and Deer Run  
 Almond Road and Dada Drive  
 Atlantic Avenue and Belle Plaine Avenue  
 Belle Plaine Avenue and Woodlawn Avenue  
 Belle Plaine Avenue and Florida Avenue  
 Delany Road and Harper Avenue  
 Delany Road and Oglesby Avenue  
 Drexel Avenue and Estes Street  
 First Street and Blackstone Avenue  
 Glen Flora Avenue and Belle Plaine Avenue  
 Glen Flora Avenue and Magnolia Avenue  
 Grandview Avenue and Waveland Avenue  
 Grandville Avenue and Magnolia Avenue  
 Halifax Road and Andover Road  
 King's Way North and Cross Road  
 King's Way West and Middle Road  
 Lawson Boulevard and Beechwood Avenue  
 Leonard Drive and Adderly Lane  
 Providence Road and Cross Road

Ravinia Drive and Cascade Way  
 (Code 1977, § 41.03; Ord. No. 82-39, 8-16-1982;  
 Ord. No. 82-54, 12-6-1982; Ord. No. 83-21,  
 6-20-1983; Ord. No. 84-34, 9-4-1984; Ord. No.  
 84-42, 11-26-1984; Ord. No. 85-36, 8-26-1985;  
 Ord. No. 86-56, 7-31-1986; Ord. No. 86-72,  
 8-25-1986; Ord. No. 86-101, 11-24-1986; Ord.  
 No. 87-126, 9-28-1987; Ord. No. 87-132, 10-19-  
 1987; Ord. No. 88-16, 2-22-1988; Ord. No. 88-78,  
 9-12-1988; Ord. No. 88-94, 10-3-1988; Ord. No.  
 89-31, 3-6-1989; Ord. No. 89-94, 6-6-26-89; Ord.  
 No. 89-120, 8-28-1989; Ord. No. 90-41; Ord. No.  
 90-48, 4-16-1990; Ord. No. 90-157, 11-19-1990;  
 Ord. No. 90-170, 12-3-1990; Ord. No. 91-41,  
 5-6-1991; Ord. No. 91-131, 10-7-1991; Ord. No.  
 92-104, 8-3-1992; Ord. No. 92-105, 8-3-1992;  
 Ord. No. 92-106, 8-3-1992; Ord. No. 92-161,

11-23-1992; Ord. No. 93-10, 1-25-1993; Ord. No.  
 93-144, 10-18-1993; Ord. No. 93-158, 12-6-1993;  
 Ord. No. 94-42, 3-28-1994; Ord. No. 95-73, § 1,  
 8-21-1995; Ord. No. 95-90, § 1, 9-25-1995; Ord.  
 No. 96-144, § 1, 11-25-1996; Ord. No. 97-20, § 1,  
 2-3-1997; Ord. No. 97-28, §§ 1, 2, 3-17-1997; Ord.  
 No. 97-39, § 1, 3-24-1997; Ord. No. 97-123, § 1,  
 10-27-1997; Ord. No. 98-92, §§ 1, 2, 8-3-1998;  
 Ord. No. 98-151, § 1, 12-21-1998; Ord. No.  
 99-81, § 1, 7-12-1999; Ord. No. 2000-59, § 1(41.03),  
 5-1-00; ; Ord. No. 2000-124, § 1(41.03), 10-16-00;  
 Ord. No. 2001-13, § 1(41.03), 2-19-01; Ord. No.  
 2001-37, § 1(41.03), 5-7-01; 2001-58, § 1(41.03),  
 7-16-01; Ord. No. 2001-77, § 1(41.03), § 9-17-01;  
 Ord. No. 2002-12, § 1, 2-4-2002; Ord. No. 2002-  
 16, § 1, 2-18-2002; Ord. No. 2002-102, § 2,  
 11-4-2002; Ord. No. 2004-20, § I, 4-12-2004; Ord.  
 No. 2004-43, § I, 6-7-2004; Ord. No. 2004-69, § I,  
 10-4-2004; Ord. No. 2005-6, § I, 2-7-2005; Ord.  
 No. 2005-81, § I, 9-12-2005; Ord. No. 2005-91,  
 § I, 10-10-2005; Ord. No. 2006-39, § I, 5-15-2006;  
 Ord. No. 2011-89, § 2, 12-19-2011; Ord. No.  
 2012-40, § I, 5-7-2012; Ord. No. 2015-64, § I,  
 9-14-2015)

**Cross reference**—Streets, sidewalks and other public  
 places, ch. 66.

#### Sec. 78-62. Yield intersections.

(a) The intersections described in Schedule B  
 of this section are hereby designated as yield  
 intersections as described in such schedule. Where  
 yield signs are erected in accordance with such  
 schedule at the entrances to the yield intersec-  
 tions the operator of a vehicle approaching a  
 yield sign shall reduce speed and yield the right  
 of way as required by law.

(b) In accordance with this section the follow-  
 ing are designated yield intersections:

#### SCHEDULE B YIELD INTERSECTIONS

<i>Right-of-Way Street</i>	<i>Yield Street</i>
Boulevard View	Grandmore Avenue
Boulevard View	Meadowcrest Circle
Bradley Drive	Kingsbury Court
Crystal Place	Mountain Ash Court
Dorchester Avenue	Gould Street
Emerald Avenue	Old Grand Avenue (eastbound)

<i>Right-of-Way Street</i>	<i>Yield Street</i>	<b>Schedule 1 Speed Limits</b>	
		<i>Street</i>	<i>MPH</i>
Estes Street	Dorchester Avenue		
Gould Street	Kenwood Avenue		
Greenleaf Street	Grandview Avenue		
Indian Trail Road	Quailhaven Court	Cemetery Rd	30
Lee Avenue	Bay Place		
Old Farm Lane	White Barn Lane	Almond Road	35
Old Grand Avenue	IL Route 132 exit to Old Grand Ave	Kilbourne Road	30
Pinetree Drive	Ebony Court	St. Paul Avenue	30
Pinetree Drive	Joshua Court	Grove Avenue	30
Pinetree Drive	Sequoia Court		
Pinetree Drive	Virginia Court	Depot Road	30
Presidential Drive	Patriot Court	Northwestern Avenue	30
Sherman Avenue	Bay Place	Delany Road	30
Washington Street Frontage Road (southbound)	Washington Street Frontage Road (east and westbound)	Tri-State Parkway	30
Wildflower Lane	Big Terra Lane	Lakeside Drive	30
		Fuller Road	30
		Woodlake Boulevard	25

From Tri-State Parkway to Washington Street  
 From Route 132 to Washington Street  
 From Estes Street to St. Paul Avenue  
 From Route 41 to Old Grand Avenue  
 From Route 132 to Stearns School Road

(Code 1977, § 41.04, Sched. B; Ord. No. 2012-41, § I, 5-7-2012; Ord. No. 2015-64, § II, 9-14-2015)

**Sec. 78-63. Speed limits.**

(a) No vehicle may be driven upon any street or road within the village at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the street or road, or which endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or road conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the roadway in compliance with legal requirements and the duty of all persons to use due care.

(b) No person may drive a vehicle at a speed greater than 25 miles per hour on any street or road under the local jurisdiction of the village, except as provided on the attached schedule 1.

(2000-126, § 1(41.05), 10-16-2000; Ord. No. 2001-34, § 1(41.05), 4-16-2001)

**Editor's note**—Ord. No. 2001-34, § 1(41.05), adopted April 16, 2001 repealed former § 78-63, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 78-63, pertained to similar subject matter and derived from Ord. No. 97-142, § 1, adopted Dec. 15, 1997; Ord. No. 96-117, § 1, adopted Oct. 7, 1996; Ord. No. 96-94, § 1, adopted Aug. 26, 1996; and the 1977 Code, § 41.05.

**Sec. 78-64. Reckless, careless or negligent driving.**

It shall be unlawful to operate any vehicle in the village in a reckless or wanton manner in violation of 625 ILCS 5/11-503, or in a careless manner, or in a negligent manner, so as to endanger or likely to endanger any person or property.  
 (Code 1977, § 41.06)

**Sec. 78-65. Riding on fenders, running boards or outside steps.**

It shall be unlawful for any person to ride upon the fenders, running board or outside step of any vehicle.  
 (Code 1977, § 41.18)

**Sec. 78-66. Weight limits.**

(a) *Generally.* It shall be unlawful to drive on any village street any motor vehicle, unladen, or with load, when the gross weight on the road's surface through any axle thereof exceed six tons.

(b) *Limited load streets.* Whenever the weight of vehicles permitted on a street is limited by ordinance and signs indicating such limitations are posted, it shall be unlawful to operate a vehicle in excess of such weight on such street,

except for the purpose of making delivery or picking up a load, in which case such vehicle may be driven on such street for not more than the minimum distance necessary for the purpose. (Code 1977, § 41.19)

**Sec. 78-67. Truck routes established.**

(a) It shall be unlawful to drive any truck, except for the purpose of making a delivery and then for one block only on any street in the village except upon those streets designated in this section. All trucks passing in and through the village shall be limited to the use of:

<i>Truck Routes</i>	<i>From</i>	<i>To</i>
US HIGHWAYS		
US Route 41	Southern Village Limits	Northern Village Limits
US Route 45	Southern Village Limits	Northern Village Limits
STATE HIGHWAYS		
IL Route 21	Southern Village Limits	Northern Village Limits
IL Route 120	Western Village Limits	Eastern Village Limits
IL Route 132	Western Village Limits	Eastern Village Limits
COUNTY HIGHWAYS		
Delany Road	US Route 41	Northern Village Limits
Dilley's Road	IL Route 132	Northern Village Limits
Gages Lake Road	Western Village Limits	IL Route 21
Greenleaf Street	Southerly Village Limits	Washington Street
Hunt Club Road	IL Route 120	Northern Village Limits
Hutchins Road	IL Route 132	Northern Village Limits
O'Plaine Road	Southerly Village Limits	Old Grand Avenue
Rollins Road	Western Village Limits	IL Route 132
Stearns School Road	Western Village Limits	Eastern Village Limits
Sunset Avenue	Delany Road	Eastern Village Limits
Washington Street	Western Village Limits	Eastern Village Limits
VILLAGE STREETS		
Ambrogio Drive	Entire Length	
Clearview Court	Entire Length	
Cornell Avenue	Western end of road	O'Plaine Road
Estes Street	US Route 41	Grove Avenue
Grandville Avenue	US Route 41	Northwestern Avenue
Grove Avenue	St. Paul Avenue	Estes Street
Lakeside Drive	Entire Length	
Lee Avenue	Grove Avenue	St. Paul Avenue
Morrison Drive	Entire Length	
Nations Drive	Entire Length	

<i>Truck Routes</i>	<i>From</i>	<i>To</i>
Northwestern Avenue	Sunset Avenue	Grandville Avenue
Porett Drive	Entire Length	
Ryan Road	Delany Road	Eastern Limits
St. Paul Avenue	US Route 41	Delany Road
Swanson Court	Entire Length	
Tri-State Parkway	IL Route 132	Washington Street

(b) Signs shall be posted in accordance with this section.  
 (Code 1977, § 41.20; Ord. No. 2002-86, § 1, 9-23-2002; Ord. No. 2005-16, § I, 3-21-2005)

**Sec. 78-68. Fire lane, fire hydrant and fire connection violations.**

(a) *Designation of fire lanes.* Fire department officials may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus.

(b) *Purpose.* Designated fire lanes shall be identified by the posting of signs that identify a particular path of egress alongside of or to a public and/or private building, on public or private property, that shall be maintained free of obstructions and vehicles and so marked as prescribed by the village fire department.

(c) *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:

*Fire department connection* means a connection on a building for fire department use in supplementing or supplying water for standpipes and sprinkler systems.

*Fire hydrant* means any water pressurized system, device or connection used for the attachment of fire hose, such hydrant being placed in the ground and connected to the city water system, and such hydrant being located on either public or private property.

*Fire lane* means the path of egress whether on public roads and highways, or on private property, that is a continuous path of travel from any one point at a building or structure, to any other point along that structure, so posted and marked as a fire lane.

(d) *Blocking access to fire hydrant.* It shall be unlawful to park any vehicle on any egress area, whether on public or private property, in the village so as to block access to any functioning fire hydrant.

(e) *Blocking fire lane.* It shall be unlawful to park any vehicle contrary to posted signs, blocking a fire lane on public or private property in the village.

(f) *Blocking access to fire department connection.* It shall be unlawful to park any vehicle on any egress area, whether on public or private property in the village, so as to block access to any functioning fire department connection attached to or adjacent to any structure.

(g) *Fire lanes designated.* The following are areas designated and marked as fire lanes:

- (1) Entrance Drive, 930 Taylor Drive.
- (2) Entrance Drive, 917 Vose Drive.
- (3) Entrance Drive, 920 Vose Drive.
- (4) Entrance Drive, 690 Chandler Road.
- (5) Entrance Drive, 650 Whitney Court.
- (6) Drury Court and Avery Court, except designated parking areas.
- (7) Abbington Court, except designated parking areas.
- (8) Farwell Court, except designated parking areas.
- (9) Chase Court, except designated parking areas.
- (10) Clark Drive between Taylor Drive and Leonard Drive, except designated parking areas.



- (11) Heather Ridge main recreation center, 5900 Manchester Drive, north and south side of the circular drive.
- (12) Shepard Court, except designated parking areas.
- (13) Colby Court, except designated parking areas.
- (14) Beth Court, except designated parking areas.
- (15) Mitchell Court, except designated parking areas.
- (16) Whitney Court, from Dunham Road to southwest parking lot.
- (17) Dunham Road, west of Colby Road.
- (18) Chip Court except designated parking in cul-de-sac.
- (19) Woodview Apartments, 1820 and 1840 Delany Road, circular drives at main entrances.
- (20) Wedgewood Creek Apartments, 1600, 1700 and 1800 Wedgewood Drive, circular drives at main entrances.
- (21) 750 IL Route 21, service drive of the building.
- (22) Grand Mills Shopping Center, 4949 Grand Avenue, service drive of the building.
- (23) Gowe Park, 4621 McClure Avenue, service drive of the building.
- (24) Viking Park, 4374 Old Grand Avenue, service drive of the building.
- (25) Walmart, 6590 Route 132, within 18 feet of the west, east and south side of the building, except designated loading docks.
- (26) Sam's Club, 6570 IL Route 132, within 18 feet of the west, east and south side of the building, except designated loading docks.
- (27) Gurnee Mills, 6170 Route 132, entire interior road around the building.
- (28) Hampton Inn, 5550 Route 132, within 18 feet of the north side of the building.
- (29) Pembroke Corners, 5350 Route 132, within 18 feet of the north side of the building.
- (30) Riverside Plaza, , 401 Route 21, within 18 feet of all sides of the building.
- (31) Saratoga Square, 5101 Washington Street (2 buildings), within 18 feet of all sides of the building.
- (32) Warren Township High School, 500 N. O'Plaine Road, within 18 feet of the curb bordering south, southeast sides, and east side of the building except loading and unloading of bus and automobile passengers permitted.
- (33) 3701 Route 132, within 18 feet of the east and west side of the building.
- (34) 2550 Grand Avenue, within 18 feet of the east side, from the northernmost public access to east loading dock, and south side of the building.
- (35) Spaulding School, 3638 Florida Avenue, within 18 feet of the south and west sides of the building.
- (36) Delany Square, 1810 Delany Road, within 18 feet of all sides of the building.
- (37) Emergency Service Drive, from St. Paul to 1600 Wedgewood Drive
- (38) Middlebury Lane west of the driveway for 5690 Middlebury Lane.
- (39) Chesapeake Court, except designated parking area.
- (40) East Wellsley Court, except designated parking area.
- (41) West Wellsley Court, except designated parking area.
- (42) Hampton Court, except designated parking area.
- (43) Nantucket Court, except designated parking area.
- (44) Roanoake Court, except designated parking area.
- (45) Buchanan Drive, from the west property line of 7255 IL Route 132 to Arlington Road.

- (46) Woodland Middle School, 7000 Washington Street, within 18 feet of all sides of the building, except designated parking areas.
  - (47) Kaiser's Pizza, 1801 Route 21, within 18 feet of the north, south, and east side of the building.
  - (48) Gurnee Towne Center, 7105 IL Route 132, within 18 feet of the west, east and south side of the building.
  - (49) Sunrise Lane, excepted designated parking area.
  - (50) Carol Lane, excepted designated parking area.
  - (51) University Avenue, between 3495 and 3555 IL Route 132, except designated parking area.
  - (52) 6641 IL Route 132, within 18 feet of the east side of the building.
  - (53) 6409 and 6411 IL Route 132, within 18 feet of the west side of the building.
  - (54) Arbor Court, except designated parking areas.
  - (55) Buckeridge Court, except designated parking areas.
  - (56) Canterbury Court, except designated parking areas.
  - (57) Independence Court, except designated parking areas.
  - (58) Newport Court, except designated parking areas.
  - (59) Oxford Circle, except designated parking areas.
  - (60) Princeton Court, except designated parking areas.
  - (61) Salem court, except designated parking areas.
  - (62) Somerset Court, except designated parking areas.
  - (63) Windsor Court, except designated parking areas.
  - (64) Berkshire Court, except designated parking areas.
  - (65) Brighton Court, except designated parking areas.
  - (66) Bristol Court, except designated parking areas.
  - (67) Cumberland Court, except designated parking areas.
  - (68) Heritage Court, except designated parking areas.
  - (69) Kensington Court, except designated parking areas.
  - (70) Knoxbury Court, except designated parking areas.
  - (71) Lancaster Circle, except designated parking areas.
  - (72) Sheffield Court, except designated parking areas.
  - (73) Victoria Court, except designated parking areas.
  - (74) Wellington Circle, except designated parking areas.
  - (75) Wiltshire Court, except designated parking areas.
  - (76) Yorkshire Court, except designated parking areas.
- (Code 1977, § 41.25; Ord. No. 99-53, § 1, 4-19-1999; Ord. No. 99-79, § 1, 4-19-1999; Ord. No. 2000-105, § 1(41.25), 8-21-2000; Ord. No. 2003-08, § 1, 2-17-2003; Ord. No. 2003-72, §§ I, II, 10-13-2003; Ord. No. 2005-27, § I, 5-2-2005; Ord. No. 2006-18, § I, 3-6-2006; Ord. No. 2006-42, § I, 6-5-2006; Ord. No. 2009-62, § I, 9-14-2009; Ord. No. 2011-79, § I, 12-5-2011; Ord. No. 2015-56, § I, 8-3-2015)
- Cross reference**—Fire prevention and protection, ch. 34.

#### **Sec. 78-69. One-way streets and alleys.**

(a) The streets and alleys described in subsection (b) are hereby designated one-way streets and alleys, When signs indicating the direction of traffic are erected at each intersection where movement in the opposite direction is prohibited, vehicular traffic shall move only in the indicated direction.



(b) The following streets or portion thereof are designated one-way streets:

*Anderson Lane*, between Illinois Route 132 and Grand Avenue, northbound.

*Cedar Avenue* between Great America Parkway and Elsie Avenue, westbound.

*Dilley's Road*, between Northridge Drive and Woodhill Drive, northbound.

*Grandville Avenue* westbound from Northwestern Avenue to a point 268 feet west of the centerline of Waveland Avenue.

*Plaza Drive*, between Dilley's Road and Northridge Drive.

(Code 1977, § 41.26; Ord. No. 94-41, § 1, 3-28-1994)

**Cross reference**—Streets, sidewalks and other public places, ch. 66.

#### **Sec. 78-70. Turning restrictions.**

(a) It shall be unlawful to operate a vehicle so as to turn right at the intersection of Belle Plaine Street and Grandmore Avenue when proceeding southbound on Belle Plaine Street, with the exception of school buses.

(b) It shall be unlawful to operate a vehicle so as to turn left from southbound Northwestern Avenue onto eastbound Country Club Avenue between the hours of 3:30 p.m. and 5:30 p.m., Monday through Friday.

(c) It shall be unlawful to operate a vehicle so as to turn left from southbound Northwestern Avenue onto eastbound Florida Avenue between the hours of 3:30 p.m. and 5:30 p.m., Monday through Friday.

(d) It shall be unlawful to operate a vehicle so as to turn left from eastbound Andover Drive onto northbound Halifax Road.

(Code 1977, § 41.40; Ord. No. 94-64, § 1, 6-6-1994; Ord. No. 2006-11, § I, 2-6-2006; Ord. No. 2006-12, § I, 2-6-2006; Ord. No. 2009-35, § I, 5-4-2009; Ord. No. 2010-79, § I, 9-13-2010)

#### **Sec. 78-71. Use of safety belts in motor vehicles.**

(a) Each driver and front seat passenger of a motor vehicle operated on a roadway in the village shall wear a properly adjusted and fastened seat belt, except that a child under the age of six years shall be protected as required pursuant to the Child Passenger Protection Act (625 ILCS 25/1 et seq.). Each driver of a motor vehicle transporting a child between the ages of six years and 16 years of age in the front seat of a motor vehicle shall secure the child in a properly adjusted and fastened safety belt.

(b) The provisions of this section shall not apply to any of the following:

- (1) A driver or passenger frequently stopping and leaving the vehicle for roadway maintenance or roadway construction, if the speed of the vehicle between stops does not exceed 15 miles per hour.
- (2) A driver or passenger possessing a written statement from a physician that such a person is unable, for medical or physical reasons, to wear a safety belt.
- (3) A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or county indicating that the driver or passenger is unable for medical, physical or other valid reasons to wear a safety belt.
- (4) A driver operating a motor vehicle in reverse.
- (5) A motor vehicle with a model year prior to 1965.
- (6) A motorcycle.
- (7) A motor vehicle which is not required to be equipped with safety belts under federal law.

(c) Violation of any provision of this section is hereby declared to be a petty offense, and any operator or passenger of a passenger motor vehicle convicted of a violation under this section shall be fined up to \$75.00.

(d) Failure to wear a safety belt in violation of this section shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance or operation of a motor vehicle.

(e) Any village police officer may stop any motor vehicle, or driver or passenger of such vehicle solely on the basis of a violation or suspected violation of this section while such a vehicle is being operated on any roadway within the village.  
(Ord. No. 98-110, § 1(41.41), 9-21-1998)

**Sec. 78-72. Unlicensed motorized vehicles prohibited.**

(a) It shall be unlawful for any person to operate an unlicensed motorized vehicle upon any public alley, highway, street, bicycle path, pedestrian path, sidewalk, park, school or other public property.

(b) For purposes of this section, "unlicensed motorized vehicle" shall be defined as a mechanical device designed to transport human beings which is powered by a combustion engine or electric power, and is not registered with the State of Illinois, and for which a valid license plate is not displayed as required by the Illinois Vehicle Code, 625 ILCS 5/3-400 et seq. The definition of "unlicensed motorized vehicles" shall not include any electric wheelchairs occupied by a handicapped person or any other mechanical device used and occupied by a handicapped person, vehicles which are used in community parades or bona fide public activities sponsored or authorized by any federal, state, or local government agency, vehicles which are used in the operation or in the course of the business or activities of an amusement park or golf course, or any motor driven vehicle which is legally licensed and registered with the State of Illinois.  
(Ord. No. 2002-98, § 1, 10-7-2002)

**Secs. 78-73—78-100. Reserved.**

**ARTICLE IV. STOPPING, STANDING AND PARKING**

**Sec. 78-101. Loading zone.**

It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes, or for the driver to stand any freight carrying vehicles for a period of time longer than is necessary to load, unload and deliver materials, not to exceed 30 minutes, in any place designated by the board of trustees as a loading zone and marked as such, or in any of the following designated places:

- (1) At any place not to exceed 75 feet along the curb before the entrance to any hospital or hotel at any time.
- (2) At any place not to exceed 75 feet along the curb before the entrance to a public building between 8:00 a.m. and 6:00 p.m. except on Sunday.
- (3) Directly in front of the entrance to any theater at any time that the theater is open for business.

(Code 1977, § 41.11)

**Sec. 78-102. Overnight parking prohibited.**

It shall be unlawful for the driver or owner of any vehicle to park any vehicle or to permit any vehicle to be parked on any street in the village between the hours of 2:00 a.m. and 6:00 a.m. of any day, except that emergency vehicles and physicians on emergency calls are hereby exempt from these provisions.

(Ord. No. 2007-12, § I, 2-12-2007)

**Editor's note**—Ord. No. 2007-12, adopted Feb. 12, 2007, amended § 78-102 in its entirety to read as herein set out. Former § 78-102 pertained to all night parking and derived from section 41.12 of the 1977 Code.

**Sec. 78-103. Parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a

vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

(Code 1977, § 41.13)

**Sec. 78-104. Cab stands; bus stands.**

No vehicle other than a licensed taxicab shall be parked in any area designated by the chief of police as a cab stand; and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.

(Code 1977, § 41.14)

**Sec. 78-105. Parking restrictions.**

(a) *No parking, snow removal.* It shall be unlawful to park any vehicle on any public street or alley in the village at any time within 12 hours after a snowfall of two inches or more has occurred, or until the snow has been removed. Whenever any police officer shall find an unattended vehicle violating the terms of this section, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. The following sign shall be erected in notifying the public of the provisions hereof:

NO PARKING ON ANY PUBLIC STREET  
WITHIN 12 HOURS AFTER A 2 INCH  
SNOWFALL, OR UNTIL SNOW IS  
REMOVED.

MOTOR VEHICLES IN VIOLATION WILL  
BE TOWED AWAY AT OWNER'S EXPENSE.

(b) *No parking, street cleaning or oiling.* It shall be unlawful to park any vehicle on any public street or portion thereof in the village at any time when such street is being cleaned or oiled. Signs indicating that a street or portion thereof is being cleaned or oiled shall be posted immediately before the cleaning or oiling of the street, and shall be removed after the cleaning or oiling of the street is finished or the oil has penetrated.

(c) *Parking prohibited in specified places.* No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in

compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant;
- (5) On a crosswalk;
- (6) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 18 feet; and
- (7) Unpaved areas of the public right-of-way.

(d) *Parking prohibited at all times on specified streets.* When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described below:

- (1) Almond Road, both sides, from Washington Street to Woodland Terrace.
- (2) Arlington Lane, both sides, from Illinois Route 132 to Buchanan Drive.
- (3) Auburn Lane, both sides, from South Stratton Lane to Pennsbury Lane.
- (4) Belle Plaine Avenue, both sides, from University Avenue to Crescent Avenue.
- (5) Blackstone Avenue, both sides, from O'Plaine Road to West Street.
- (6) Blackstone Avenue, both sides, from First Street to Greenleaf Street.
- (7) Brookhaven Road, both sides, from O'Plaine Road east to its eastern terminus.
- (8) Brookside Drive, both sides, from Illinois Route 132 to a point 200 feet north of Salisbury Drive.
- (9) Buchanan Drive, both sides, from South Stratton Lane to Hamilton Drive.
- (10) Buckingham Drive, both sides.
- (11) Cedar Avenue, both sides.
- (12) Crescent Avenue, both sides, from Belle Plaine Avenue to Bay Place.

- (13) Dada Drive, both sides, from Hunt Club Road to Illinois Route 45.
- (14) Depot Road, both sides.
- (15) Elm Road, south side, from O'Plaine Road to Birch Drive.
- (16) Elsie Avenue, west side, from Cedar Avenue to its southern terminus.
- (17) Emerald Avenue, both sides.
- (18) Estes Street, both sides, from Grove Avenue to U.S. Route 41.
- (19) Ferndale Street, both sides, from U.S. Route 41 south 100 feet.
- (20) First Street, both sides, from Old Grand Avenue to Blackstone Street.
- (21) Florida Avenue, south side, from Magnolia Avenue to Belle Plaine Avenue, Monday through Friday, Between 7:30 a.m. and 3:30 p.m.
- (22) Fuller Road, east side, from South Road to 200 feet north of South Road.
- (23) Gages Lake Road, both sides, from Colby Road to Illinois Route 21.
- (24) Gillings Drive, both sides, from Meadowlark Court to Hayner Avenue.
- (25) Grandville Avenue, both sides, from U.S. Route 41 to Magnolia Avenue.
- (26) Great America Parkway, both sides, from Illinois Route 132 to Cedar Avenue.
- (27) Greenhaven Lane, both sides, from Brookhaven Road to Minthaven Court.
- (28) Greenleaf Street, both sides, from Washington Street to Blackstone Avenue.
- (29) Grove Avenue, south side, from Lee Avenue east for a distance of 200 feet.
- (30) Hamilton Drive, both sides, from South Stratton Lane to Camden Drive.
- (31) Hawthorne Avenue, both sides, from Ellis Avenue to University Avenue.
- (32) Hickory Haven Drive, both sides.
- (33) Illinois Route 21, both sides.
- (34) Illinois Route 132, both sides.
- (35) Kensington Court, both sides.
- (36) Kilbourne Road, east side, from Illinois Route 132 to U.S. Route 41.
- (37) Kilbourne Road, west side, from Emerald Avenue to U.S. Route 41.
- (38) King's Way North, both sides, from O'Plaine Road to Covenant Court.
- (39) Lakeside Drive, both sides.
- (40) Lawrence Avenue, both sides, from Illinois Route 132 south 350 feet.
- (41) Lawson Boulevard, both sides, from Illinois Route 132 to Beechwood Avenue.
- (42) Manchester Drive, north side, from Glen Way to Drury Court.
- (43) Manchester Drive, north side, from Illinois Route 21 to Dunham Road.
- (44) McClure Avenue, both sides, from O'Plaine Road west to the Des Plaines River.
- (45) Milwaukee Avenue, both sides, from Illinois Route 132 to Illinois Route 21.
- (46) Morrison Drive, south side.
- (47) North Avenue, both sides.
- (48) Northridge Drive from Dilleys Road to its southerly terminus.
- (49) Northwestern Avenue, both sides, from Grandville Avenue to Sunset Avenue.
- (50) Oglesby Avenue, both sides, east of Greenleaf Street.
- (51) Oglesby Avenue, both sides, from Delany Road to Greenleaf Street.
- (52) Old Grand Avenue, south side, from O'Plaine Road to the Canadian Pacific Railroad.
- (53) Old Grand Avenue, south side, from the west intersection of Illinois Route 132 east 300 feet.
- (54) Old Grand Avenue, north side, commencing 600 feet west of the centerline of O'Plaine Road to 50 feet east of the centerline of Depot Road.

- (55) Old Grand Avenue, north side, from 300 feet east of the centerline of First Street to Illinois Route 132 at Greenleaf Street.
- (56) Old Grand Avenue, south side, from 390 feet west of the centerline of Depot Road to 220 feet east of the centerline of Depot Road.
- (57) Old Grand Avenue, south side, from 200 feet west of First Street to Illinois Route 132 at Greenleaf Street.
- (58) O'Plaine Road, both sides, from Illinois Route 120 to Old Grand Avenue.
- (59) Pauly Drive, both sides, from Lawson Boulevard to Pinewood Road.
- (60) Pembroke Court, both sides, beginning 190 feet east of Lawson Boulevard to the east end of Pembroke Court.
- (61) North side of Pinetree Drive between Pinewood Road and Mahogany Court.
- (62) Pinewood Road, both sides, from Lawson Boulevard to Dilley's Road.
- (63) Deleted.
- (64) Providence Road, both sides, from O'Plaine Road to Cole Court.
- (65) Regency Court cul-de-sac areas.
- (66) South Road, both sides, from west Darlene Drive to Fuller Road.
- (67) South Road, both sides, from Fuller Street to the west terminus.
- (68) South Stratton Lane, both sides.
- (69) St. Paul Avenue, both sides, from Delany Road west for a distance of 800 feet.
- (70) Stonebrook Drive, both sides, from Illinois Route 132 to Dada Drive.
- (71) Tri-State Parkway, both sides.
- (72) U.S. Route 41, both sides.
- (73) Vineyard Drive, both sides, from Illinois Route 132 to Korbel Drive.
- (74) Washington Street, both sides.
- (75) West Street, both sides.
- (76) Windwood Court, both sides.
- (77) Woodlake Boulevard, both sides.
- (78) Hayner Avenue, both sides.
- (79) Knottingham Drive, West side, between Bentley Drive and Dada Drive.
- (80) Clearview Court, both sides, from Northwestern Avenue to 490 feet west of Northwestern Avenue.
- (81) Belle Plaine Avenue, both sides, from Florida Avenue to Country Club Avenue.
- (e) *Restricted parking hours during school hours Monday through Friday.*
- McClure Road, east from O'Plaine to Gillings, on both sides of the street.
- (f) *One-hour parking restrictions on specified streets.* When signs are erected giving notice thereof, no person shall park a vehicle for more than one hour between the hours of 8:00 a.m. to 8:00 p.m. upon any of the streets or parts of streets designated below:
- Waveland Avenue, east side, from Grand Avenue to Grandview Avenue.
- (g) *Two-hour parking restrictions on specified streets.* When signs are erected giving notice thereof, no person shall park a vehicle for more than two hours during school hours Monday through Friday upon any of the streets or parts of streets designated below:
- (1) Meadowlark Court;
  - (2) Bluebird Court;
  - (3) Eagle Court;
  - (4) Finch Court;
  - (5) Robin Court;
  - (6) Raven Court;
  - (7) Oriole Court;
  - (8) Gillings, from Hayner Avenue to McClure Avenue; and
  - (9) McClure Avenue, from Gillings east to its terminus.



(h) *Two-hour parking restrictions on specified streets.* When signs are erected giving notice thereof, no person shall park a vehicle for more than two hours upon any of the streets or parts of streets described below:

- (1) Lee Avenue from St. Paul Avenue to Grove Avenue; and
- (2) Grove Avenue from Delany Road to St. Paul Avenue.

(i) *Prohibited parking.* Parking is prohibited, except by permit along:

- (1) Rockpointe Court.

(Code 1977, § 41.15; Ord. No. 94-21, § 1, 2-28-1994; Ord. No. 94-68, § 1, 6-20-1994; Ord. No. 94-142, § 1, 12-5-1994; Ord. No. 94-143, § 1, 12-5-1994; Ord. No. 95-32, § 1, 5-1-1995; Ord. No. 95-72, § 1, 8-21-1995; Ord. No. 96-150, § 1, 12-16-1996; Ord. No. 97-4, § 1, 1-6-1997; Ord. No. 97-12, § 1, 1-27-1997; Ord. No. 2000-79, § 1(41.15(d)), 7-10-2000; Ord. No. 2000-94, § 1(41.15(d)), 8-7-2000; Ord. No. 2000-125, § 1(41.15(d)), 10-16-2000; Ord. No. 2001-59, § 1(41.15(d)), 7-16-01; Ord. No. 2003-65, § I, 9-8-2003; Ord. No. 2003-83, § I, 11-3-2003; Ord. No. 2005-28, § I, 5-2-2005; Ord. No. 2006-70, § I, 8-21-2006; Ord. No. 2006-90, § I, 11-6-2006; Ord. No. 2008-63, § I, 9-8-2008; Ord. No. 2009-55, § I, 8-3-2009; Ord. No. 2009-63, § I, 9-14-2009; Ord. No. 2010-55, § I, 5-13-2010; Ord. No. 2010-62, § I, 8-2-2010; Ord. No. 2011-89, § 2, 12-19-2011; Ord. No. 2014-19, § I, 5-5-2014; Ord. No. 2014-52, § I, 9-22-2014; Ord. No. 2015-65, § I, 9-14-2015; Ord. No. 2015-75, § I, 11-2-2015)

**Sec. 78-106. Presumption of responsibility.**

The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such parking.

(Code 1977, § 41.16)

**Sec. 78-107. Parking violations.**

For parking violations of this chapter including sections 78-3, 78-68, 78-101 through 78-106 and 78-108, and parking violations of the state vehicle code, 625 ILCS 5/1-100 et seq., as

incorporated under section 78-1, shall be issued and processed pursuant to section 2-300 et seq. (entitled "Administrative Hearing Procedures"). (Code 1977, § 41.24; Ord. No. 2013-40, § XIII, 8-19-2013; Ord. No. 2013-53, § I, 11-4-2013)

**Sec. 78-108. Stopping, standing, parking, loading, and unloading prohibited.**

It shall be unlawful for the driver of a vehicle to stop, park, load, or unload persons or materials from a vehicle upon any of the streets or portions of streets within the village as described below:

- (1) O'Plaine Road, both sides, from IL. Route 132 (Grand Avenue) to Brookhaven Road.
- (2) North Avenue, both sides, from West Street to O'Plaine Road.
- (3) West Street, both sides, from North Avenue to Blackstone Avenue.
- (4) Blackstone Avenue, both sides, from West Street to O'Plaine Road.
- (5) Hayner Avenue, both sides, from O'Plaine Road to Gillings Drive.
- (6) Gillings Drive, both sides, from Hayner Avenue to Meadowlark Court.

(Ord. No. 2013-45, § I, 9-23-2013; 2015-20, § I, 4-6-2015)

**Sec. 78-109. Violation notices.**

The traffic administrator shall be authorized to adopt, distribute, and process parking and compliance violation notices, and other notices required by this section, collect money paid as fines, and penalties for violation of parking and compliance ordinances, and coordinate enforcement proceedings under the village's administration adjudication system. The traffic administrator may also make a certified report to the Secretary of State under 625 ILCS 5/6-306.5.

(Ord. No. 2016-15, § II, 3-7-2016)

**Sec. 78-110. Notice of impending suspension of driving privileges.**

(a) The village shall issue notices of impending driver's license suspension. The notices shall be sent to the owner of a registered vehicle who has failed to pay any fine or penalty due and owing as a result of ten or more violations of a vehicular standing, parking, or compliance regulations established by village ordinance. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date shall result in the village notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under the Illinois Vehicle Code, 625 ILCS 6-306.5.

[(b)] The notice of impending driver's license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State.  
(Ord. No. 2016-15, § II, 3-7-2016)

**Sec. 78-111. Contesting suspension resulting from stopping, standing, and parking traffic law violations.**

If the traffic administrator provides a suspension notice to a vehicle owner and subsequently makes a certified report to the Secretary of State, the subject vehicle owner may challenge the accuracy of the certified report in writing. To do so, the vehicle owner must submit to the traffic administrator a written statement under oath, together with any supporting documentation, establishing one of the following grounds for challenging the accuracy of the certified report:

- (1) That the person was not the owner or lessee of the subject vehicle or vehicles receiving ten or more traffic law violations on the date or dates such violation notices were issued; or
- (2) That the person already paid the fines or penalties for the ten or more traffic law violations indicated on the certified report. Such statement and supporting documentation must be sent to the traffic administrator by certified mail, return receipt requested, or hand delivered to

the traffic administrator within 21 days after the person receives notice from the Secretary of State that the person's driver's license will be suspended at the end of a specified period of time unless the Secretary of State is presented with a notice from the village certifying that the fines or penalties due and owing have been paid or that the inclusion of the person's name on the certified report was in error. The traffic administrator or his designee shall immediately review all documents submitted pursuant to this subsection and shall determine whether the certified report was in error. If the report was in error, the traffic administrator shall notify the Secretary of State immediately that inclusion of the person's name on the certified report was in error.

(Ord. No. 2016-15, § II, 3-7-2016)

**Secs. 78-112—78-130. Reserved.**

**ARTICLE V. SNOWMOBILES**

**Sec. 78-131. 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:

*Operate* means to ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner whether or not the snowmobile is under way.

*Operator* means a person who operates or is in actual physical control of a snowmobile.

*Snowmobile* means a self-propelled device designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners and supported in part by skis, belts, or cleats.  
(Code 1977, § 41.22(a))

**Cross reference**—Definitions generally, § 1-2.

**Sec. 78-132. Regulations.**

It shall be unlawful for any person to operate a snowmobile under the following circumstances:

- (1) On private property of another without the express permission to do so by the owner or occupant of the property.



- (2) On public school grounds, park property, playgrounds, recreational areas and golf courses without express provision or permission to do so by the proper public authority.
- (3) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- (4) In a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any other person.
- (5) Within the right-of-way of any public street or roadway.

(Code 1977, § 41.22(b))

**Sec. 78-133. Exceptions.**

When it becomes necessary to cross a public street or roadway, the operator shall stop the snowmobile before crossing and shall yield the right-of-way to vehicular traffic.

(Code 1977, § 41.22(c))

**Sec. 78-134. Equipment.**

All snowmobiles operating within the village shall be equipped with:

- (1) At least one white headlamp having a minimum candlepower of sufficient intensity to exhibit a white light plainly visible from a distance of at least 500 feet ahead during hours of darkness under normal atmospheric conditions. If a snowmobile is equipped with a single beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 25 feet in front of the vehicle, projects higher than the level of the center of the lamp from which it originates.
- (2) At least one red taillamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

- (3) A brake system in good mechanical condition.
- (4) Reflective material of a minimum area of 16 square inches mounted on each side of the cowling. Identifying numbers may be included in computing the required 16 square inch area.
- (5) Adequate sound suppression equipment. No snowmobile manufactured after June 1, 1972, shall be sold or offered for sale, unless it is equipped with sound suppression devices that limit total machine noise in accordance with noise pollution standards established pursuant to the Environmental Protection Act.
- (6) A safety or so-called dead man throttle in operating condition; a safety or dead man throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from driving track.

(Code 1977, § 41.22(d))

**Secs. 78-135—78-149. Reserved.**

**ARTICLE VI. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEMS**

**Sec. 78-150. Purpose.**

The purpose of this article is to authorize automated traffic law enforcement at high crash or other high-risk locations. The objective of automated traffic law enforcement is to reduce traffic accidents and improve roadway safety.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-151. Definitions.**

As used in this article, words or terms shall have the following meanings unless the context or usage clearly indicates that another meaning is intended:

*Automated traffic law violation* means a violation described in section 11-208.6 of the Illinois Vehicle Code (625 ILCS 5/11-208.6) and pursuant to the provisions of this article, wherein a vehicle enters an intersection identified in subsec-

tion (b) of this section against a red light signal in violation of section 11-306 of the Illinois Vehicle Code (625 ILCS 5/11-306) or a similar provision of the Municipal Code of the village.

*Automated traffic law enforcement system* means a device 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 red light signal in violation of section 11-306 of the Illinois Vehicle Code (625 ILCS 5/11-306) or a similar provision of the Municipal Code of the village.

*Certified report* means a report concerning five or more unpaid fines or penalties for automated traffic law violations made by the village to the secretary of state in accordance with section 6-306.5 of the Illinois Vehicle Code (625 ILCS 5/6-306.5).

*Determination of liability* results when the registered owner or lessee fails to pay the \$100.00 fine or contest the violation notice within 21 days of the issuance of the violation notice. If the owner or lessee fails to pay the fine within 21 days of the issuance of the violation notice or contest the violation notice, the fine becomes a debt due and owing the village.

*Final determination of liability* results from any of the following:

- (1) A person failed to timely pay the fine and/or late fee within 14 days after service of the determination of liability notice and failed to timely request an administrative hearing;
- (2) A person failed to timely pay the fine and/or late fee after a hearing officer's finding of liability and all administrative review procedures provided in this section have been exhausted or expired; or
- (3) A person failed to timely pay the fine and/or late fee, failed to timely appear at a scheduled administrative hearing, failed to timely pay the fine and/or late fee after service of the finding of liability (by reason of default judgment) and failed to file a petition to set aside the default judgment within 35 days of the date

default judgment was entered or timely filed a petition to set aside a default judgment which was denied.

*Finding of liability* results after an administrative hearing is conducted in person or by mail and the administrative hearing officer determines that the registered owner or lessee is liable for an automated traffic law violation.

*Notices.*

- (1) Determination of liability notice means a notice indicating that the owner or lessee failed to pay the \$100.00 fine indicated in the violation notice within the requisite 21-day period and also failed to contest the violation notice within the requisite 21-day period. The determination of liability notice shall indicate that the fine amount, that being \$100.00, is a debt due and owing the Village. The notice shall further state that failure to pay the \$100.00 fine within 14 days will result in a late fee of \$100.00 added to the original fine.
- (2) Final determination of liability notice means a notice issued pursuant to section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3) indicating that a final determination of liability has been reached and that the registered owner or lessee of the offending vehicle is liable for an automated traffic law violation. A final determination of liability notice shall contain the language that the unpaid fine and late fee are a debt due and owing the village and that the village may petition the court for a judgment against the registered owner for the amount of the unpaid fine and late fee if it is not paid within the period of time specified. Further, the notice shall indicate that five or more unpaid automated traffic law violations may result in the suspension of the registered owner's driver's license.
- (3) Finding of liability notice means the notice sent by the traffic administrator after an administrative hearing indicating there has been a finding of liability

by the administrative hearing officer. The finding of liability notice shall state that the registered owner or lessee has 30 days from the date of the issuance of the finding of liability notice to pay the fine and that failure to pay said fine within the 30-day period will result in a late fee of \$100.00 being assessed.

(4) Suspension notice means a notice of impending driver's license suspension issued pursuant to section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3) and pursuant to the provisions of this article as the result of five or more unpaid automated traffic law violations. A notice of suspension shall state that failure to pay the fines and penalties owing within 45 days of the date of the suspension notice will result in the village notifying the secretary of state that the person is eligible for initiation of suspension proceedings pursuant to section 6-306.5 of the Illinois Vehicle Code (625 ILCS 5/6-306.5).

(5) Violation notice means a notice issued by the Traffic Administrator or his designee indicating that an automated traffic law violation occurred. Said notice shall be in accordance with sections 11-208.3 and 11-208.6 of the Illinois Vehicle Code (625 ILCS 5/11-208.3 and 208.6) and shall include and specify the following:

- a. The date, time and place of the violation;
- b. A copy of the recorded images;
- c. A statement that the recorded images are prima facie evidence of a violation of a red light signal;
- d. The amount of the fine and the amount of a penalty that may be assessed for late payment;
- e. The make of the vehicle (if readily discernible);
- f. The state registration number;
- g. The identification number or name of the person issuing the notice;

- h. A statement that payment of the indicated fine and any applicable penalty for late payment shall operate as a final disposition of the violation;
- i. A warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle;
- j. A statement that the person may elect to proceed by paying the civil penalty or by challenging the charge by requesting an administrative hearing; and
- k. The time frame and manner in which an administrative hearing to challenge the violation may be obtained.

*Recorded images* means images showing the time, date and location of an automated traffic law violation recorded by an automated traffic law enforcement system on:

- (1) Two or more photographs;
- (2) Two or more microphotographs;
- (3) Two or more electronic images; or
- (4) A video recording showing the motor vehicle and clearly identifying the registration plate number of the motor vehicle on at least one image or portion of the recording.

*System* means, individually, an automated traffic law enforcement system or, collectively, automated traffic law enforcement systems established in the Village pursuant to the Illinois Vehicle Code (625 ILCS 5/11-1 et seq.) and this article of the Municipal Code.

*Traffic administrator* means the village administrator or his or her designee. (Ord. No. 2007-108, § I, 12-5-2007; Ord. No. 2016-47, § I, 7-11-2016)

**Sec. 78-152. System locations.**

The village hereby determines to establish systems at the following intersections located within the corporate limits of the village:

- (1) Route 132 and Hunt Club Road;
- (2) Route 41 at Delany Road;
- (3) Route 132 at Dilley's Road;
- (4) Washington Street at Route 21;
- (5) Hunt Club Road at Washington Street;
- (6) Route 132 at Route 21; and
- (7) Additional locations as deemed appropriate by due process.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-153. Duties of traffic administrator.**

The traffic administrator or his designee shall be authorized to adopt, distribute and process violation notices and other notices required by section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3), to collect money paid as fines and penalties for automated traffic law violations and to establish and administer a procedure by which persons contesting a violation notice are afforded an administrative hearing in accordance with this section of the Municipal Code of the village. The Traffic Administrator is authorized to make a certified report to the secretary of state pursuant to section 6-306.5 of the Illinois Vehicle Code (625 ILCS 5/6-306.5), and any such certified report shall contain the information required under section 6-306.5(c) of the Illinois Vehicle Code (625 ILCS 5/306.5(c)).

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-154. Issuance and service of violation notice and notice of determination of liability.**

A violation notice shall issue to the registered owner or lessee of a vehicle committing an automated traffic law violation. A violation notice shall be served by first class United States mail, postage prepaid, to the address of the registered owner of a vehicle cited for an automated traffic law violation as recorded with the secretary of state within 30 days after the secretary of state notifies the village of the identity of the owner of

the vehicle, but in no event later than 90 days after the date of the violation. Service of a violation notice shall be deemed complete as of the date of deposit in the United States mail. If the fine for an automated traffic law violation has not been paid and an administrative hearing has not been requested within 21 days of service of the violation notice, a determination of liability notice shall be issued and served in the same manner as the violation notice. If the fine due and owing the village is not paid within 14 days after the date the determination of liability notice is served, a late fee of as set forth in section 32-37 shall be assessed and shall also become a debt due and owing the village.

(Ord. No. 2007-108, § I, 12-5-2007; Ord. No. 2013-40, § XIII, 8-19-2013)

**Sec. 78-155. Review of recorded images prior to issuance of violation notice.**

Before a violation notice may be issued for any automated traffic law violation, a review and determination must be made by a village officer of the municipality issuing the violation that the motor vehicle was being operated in violation of section 11-208.6 of the Illinois Vehicle Code (625 ILCS 5/11-208.6) or this article in that the vehicle entered an intersection identified in section 78-152 against a red light signal in violation of section 11-306 of the Illinois Vehicle Code (625 ILCS 5/11-306) or a similar provision of this Code. If the officer determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle or at the direction of an authorized police or emergency service officer, a violation notice shall not be issued.

(Ord. No. 2007-108, § I, 12-5-2007; Ord. No. 2016-47, § I, 7-11-2016)

**Sec. 78-156. Recorded images confidential.**

Recorded images made by an automated traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this article, for statistical purposes and for other governmental purposes. However, any



recorded image evidencing a violation of this article may be admissible in any proceeding brought by the municipality or on behalf of the people of the state resulting from the issuance of a citation.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-157. Violation notice prima facie evidence.**

The original or a facsimile copy of the violation notice or, in the case of a violation notice produced by a system's computerized device, a printed record generated by such showing the facts entered on a violation notice, shall be retained by the traffic administrator, and shall be a record kept in the ordinary course of business. A violation notice issued, signed and served in accordance with this article of the Municipal Code and section 11-208.3 of the Illinois Vehicle Code (625 ILCS 5/11-208.3), or the printed record generated by the system's computerized device, shall be prima facie evidence of the correctness of the facts shown on the violation notice. The original or facsimile copy of the violation notice or the printed record generated by the system's computerized device shall be admissible in any subsequent administrative or legal proceedings.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-158. Administrative hearing of violation notice; administrative review.**

The registered owner of the vehicle cited in a violation notice shall have the opportunity for an administrative hearing in accordance with this article of the Municipal Code of the village in which said owner may contest the merits of the alleged violation. The administrative hearing shall be on the date, and at the time and place set forth in the written notice of hearing as issued by the traffic administrator to the person requesting the hearing. The lessee of a vehicle cited in a violation notice likewise shall be afforded the opportunity for an administrative hearing of the same kind afforded the registered owner. Any request for an administrative hearing in accordance with this section of the Municipal Code shall be made in writing within

21 days of service of the violation notice. The formal or technical rules of evidence shall not apply at any such hearing. Such hearings may be recorded. Evidence including hearsay, may be admitted only if it is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. The administrative hearing officer shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant documents. Persons appearing at such a hearing may be represented by counsel at their own expense. A finding of liability by the administrative hearing officer is subject to judicial review by way of an action for administrative review filed in the circuit court of the county in accordance with section 3-101 et seq. of the Code of Civil Procedure (735 ILCS 5/3-101 et seq.). Any person filing for judicial review pursuant to this section shall be subject to the assessment of costs for the preparation and certification of the record of proceedings before the hearing officer. Such cost shall be assessed at \$25.00 for the first page of the transcript and \$5.00 for each page thereafter. Any failure to pay such fee shall subject the party seeking review to the provisions of 735 ILCS 5/3-109, including dismissal of the complaint and other applicable results.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-159. Administrative hearings.**

An administrative hearing officer shall preside over all administrative hearings conducted pursuant to this article of the Code and said administrative hearings shall be conducted pursuant to the administrative hearing procedures set forth in chapter 2, section 2-300 et seq. of this Code.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-160. Contest violation notice by United States mail.**

Registered owners or lessees of the cited vehicle who receive violation notices may contest the merits of the alleged automated traffic law violation without attending a hearing by sending a signed statement, under oath, together with any supporting documentation, to the traffic administrator via United States mail within 21 days after service of the violation notice.

Such a statement shall set forth the reasons why a finding of liability shall not be entered. Registered owners or lessees of the cited vehicle may contest the charges by U.S. mail under this section using the same available defenses as herein stated. The traffic administrator shall forward all timely submitted materials to the administrative hearing officer for review and determination and the traffic administrator shall issue and serve the findings of the administrative hearing officer pursuant to the provisions of this article.

(Ord. No. 2007-108, § I, 12-5-2007; Ord. No. 2016-47, § I, 7-11-2016)

**Editor's note**—Ord. No. 2016-47, § I, adopted July 11, 2016, amended § 78-160, to read as set out herein. Previously § 78-160 was titled "Contest violation notice by certified mail"

#### **Sec. 78-161. Defenses.**

The administrative hearing officer may consider the following in defense of a violation:

- (1) That the driver of the vehicle passed through the intersection when the light was red in order to yield the right-of-way to an emergency vehicle;
- (2) The driver of the vehicle passed through the intersection when the light was red as part of a funeral procession; or at the direction of an authorized police or emergency service officer;
- (3) 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. To demonstrate that the motor vehicle or 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 in the form of a certified copy of a police report concerning the stolen motor vehicle or registration plates which was filed with a law enforcement agency in a timely manner.

(Ord. No. 2007-108, § I, 12-5-2007)

#### **Sec. 78-162. Issuance and service of finding of liability notice.**

The traffic administrator shall issue to the registered owner or lessee a finding of liability notice indicating whether there has been a finding of liability by the administrative hearing officer. A finding of liability notice shall be served by first class United States mail, postage prepaid, to the address appearing on the request for administrative hearing within 14 days of the date of the administrative hearing. However, if the hearing is conducted in person, then the finding of liability notice may be personally served upon the registered owner, lessee or his or her agent at the conclusion of the hearing. Service shall be complete as of the date of deposit in the United States mail. The finding of liability notice shall indicate that the person has the right to appeal the hearing officer's decision to the circuit court of the county in accordance with the Administrative Review Act.

(Ord. No. 2007-108, § I, 12-5-2007)

#### **Sec. 78-163. Issuance and service of final determination of liability notice.**

A final determination of liability notice shall be issued to the registered owner or lessee following a "final determination of liability" as provided in section 78-162 of this article. A final determination of liability notice shall be served by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as 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 or, under section 11-1306 of the Illinois Vehicle Code (625 ILCS 5/11-1306), to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office database. Service of the final determination of liability notice shall be deemed complete as of the date of deposit in the United States mail.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-164. Manner and grounds for contesting final determination of liability.**

A person owing an unpaid fine or late fee for an automated traffic law violation may file a written petition to set aside a final determination of liability. The petition shall be filed by sending the same, together with any documentation in support thereof, to the traffic administrator by U.S. mail or by personal delivery to the traffic administrator. The grounds for such a petition shall be limited to:

- (1) The person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued;
- (2) The person having already paid the fine or late fee for the violation in question; and
- (3) Excusable failure to appear at or request a new date for a hearing.

The traffic administrator shall render his decision in writing. In the event that such a petition is granted upon a showing of just cause, and the final determination of liability set aside, the registered owner or lessee shall be provided with an administrative hearing on the merits for that violation.

(Ord. No. 2007-108, § I, 12-5-2007; Ord. No. 2016-47, § I, 7-11-2016)

**Sec. 78-165. Issuance and service of suspension notice.**

A suspension notice shall be issued upon the accrual of five or more unpaid automated traffic law violations. Service of a suspension notice shall be made by first class United States 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. Service of a suspension notice shall be complete as of the date of deposit in the United States mail.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-166. Contesting suspension resulting from automated traffic law violations.**

If the traffic administrator provides a suspension notice to a vehicle owner and subsequently makes a certified report to the secretary of state, the subject vehicle owner may challenge the accuracy of the certified report in writing. To do so, the vehicle owner must submit to the traffic administrator a written statement under oath, together with any supporting documentation, establishing one of the following grounds for challenging the accuracy of the certified report:

- (1) That the person was not the owner or lessee of the subject vehicle or vehicles receiving five or more automated traffic law violations on the date or dates such violation notices were issued; or
- (2) That the person already paid the fines or penalties for the five or more automated traffic law violations indicated on the certified report.

Such statement and supporting documentation must be sent to the traffic administrator by certified mail, return receipt requested, or hand-delivered to the traffic administrator within five days after the person receives notice from the secretary of state that that the person's driver's license will be suspended at the end of a specified period of time unless the secretary of state is presented with a notice from the village certifying that the fines or penalties due and owing have been paid or that the inclusion of the person's name on the certified report was in error. The traffic administrator or his designee shall immediately review all documents submitted pursuant to this subsection and shall determine whether the certified report was in error. If the report was in error, the traffic administrator shall notify the secretary of state immediately that inclusion of the person's name on the certified report was in error.

(Ord. No. 2007-108, § I, 12-5-2007)

**Sec. 78-167. Penalty.**

Unless the driver of the motor vehicle cited for an automated traffic law violation received a uniform traffic citation from a police officer at



the time of the violation, the owner of the motor vehicle is subject to a penalty as set forth in section 32-37 per violation. In the event that such penalty is not paid within 14 days after service of a determination of liability notice, a late fee as set forth in section 32-37 shall be added to the fine.

(Ord. No. 2007-108, § I, 12-5-2007; Ord. No. 2013-40, § XIII, 8-19-2013)

**Secs. 78-168—78-199. Reserved.**

**ARTICLE VII. REGULATIONS  
PERTAINING TO THE IMMOBILIZATION  
OF MOTOR VEHICLES ON PRIVATE  
PROPERTY\***

**Sec. 78-200. Purpose.**

It is the policy of the village to provide for the protection of the public interest as it relates to the parking of vehicles on parking lots and to the immobilization of those vehicles by applying a boot to a vehicle without the consent of the vehicle owner or operator. To this end, this chapter provides for the regulation of vehicle immobilization service, to be administered in a manner that protects the public health and safety and promotes the public convenience and necessity.

(Ord. No. 2011-49, § I, 6-20-2011; Ord. No. 2013-28, § I, 5-20-2013)

**Sec. 78-201. Definitions.**

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

- (1) *Commercial parking lots* shall mean a tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking spaces rented to the general public or reserved for individuals by the hour, day, week or

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\***Editor's note**—Ord. No. 2013-28, § I, adopted May 20, 2013, renumbered ch. 22, art. V, §§ 22-200—22-204, as ch. 78, art. VII, § 78-200—78-204.

month. Such lots must comply with all village zoning and building requirements.

- (2) *Boot, booting or vehicle immobilization* means the act of placing on a parked motor vehicle a lockable vehicle wheel clamp or similar device that is designed to be placed on a parked vehicle to prevent the operation of the vehicle until the device is unlocked and removed. The term "boot" shall include the devices used for this purpose. Such devices shall be a high-visibility color, such as yellow, orange or red. No cables, chains, ropes or other similar means of vehicle immobilization shall be allowed.

- (3) *Immobilize* means to place a boot on a parked vehicle to prevent the operation of the vehicle until the boot is unlocked and removed. The term includes any installation, adjustment, or removal of a boot.

- (4) *Pay station* means a booth or box, whether attended or not, situated at or on a parking facility where payment of the hourly, daily, or monthly parking fee for that parking facility is made or deposited.

(Ord. No. 2011-49, § I, 6-20-2011; Ord. No. 2013-28, § I, 5-20-2013)

**Sec. 78-202. Vehicle immobilization limited to commercial parking lots.**

It shall be unlawful for any person to immobilize or boot any vehicle within the territorial limits of the village on any property other than a commercial parking lot as defined by this article.

(Ord. No. 2011-49, § I, 6-20-2011; Ord. No. 2013-28, § I, 5-20-2013)

**Sec. 78-203. Other limitations and regulations.**

In addition to the limitation as set forth herein:

- (1) It is illegal to place a boot upon any occupied motor vehicle.

- (2) A boot shall be removed immediately, for no charge, from any motor vehicle if the owner of the motor vehicle returns prior to the complete attachment of the boot.
- (3) At each and every location where booting can be lawfully conducted, there shall be available the means of collecting any fees owed by payment of cash and by credit card.
- (4) The village police department shall be notified of any motor vehicle that has been immobilized for a period of greater than 24 hours.

(Ord. No. 2011-49, § I, 6-20-2011; Ord. No. 2013-28, § I, 5-20-2013)

**Sec. 78-204. Penalty for violation and exemptions.**

- (1) A violation of any provision of the article shall be punishable in accordance with section 1-11. Further, all remedies prescribed in the village's municipal code shall be cumulative. The use of one or more remedies by the village shall not bar the use of any other remedy for the purpose of enforcing these provisions.
- (2) This article shall not apply to the immobilization of motor vehicles by governmental entities or a person acting under the direction of a governmental entity, when such immobilization is authorized by provision of law, ordinance or other regulation.

(Ord. No. 2011-49, § I, 6-20-2011; Ord. No. 2013-28, § I, 5-20-2013)

Chapters 79—81

**RESERVED**



## Chapter 82

### UTILITIES\*

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- Sec. 82-2. Bond and insurance.
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- Sec. 82-72. Bulk water for pool filling.
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- Sec. 82-117. Hydrant usage rate.
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- Sec. 82-119. Water meter fees.
- Secs. 82-120—82-140. Reserved.

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\***Cross references**—Administration, ch. 2; buildings and building regulations, ch. 18; electrical code, § 18-131 et seq.; mechanical code, § 18-161 et seq.; plumbing code, § 18-191 et seq.; businesses, ch. 22; planning, ch. 54; solid waste, ch. 62; streets, sidewalks and other public places, ch. 66; subdivisions, ch. 70.

GURNEE MUNICIPAL CODE

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- Sec. 82-142. Interceptors.
- Sec. 82-143. Control manholes.
- Sec. 82-144. Laboratory tests of wastes.
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- Sec. 82-146. Agreements for treatment of wastes.
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**ARTICLE I. IN GENERAL**

**Sec. 82-1. Water and sewer connection permits.**

No connection with the water main or sewage main shall be made without a permit being issued and 24 hours notice having been given to the village engineer. Inspections fees shall also be paid to the village in the amount set forth in section 32-38 for each respective water and sewer connection permit. A separate fee as set forth in section 32-38 shall be charged per hour for each reinspection. Such fees shall be deposited into the respective operating funds.

(Code 1977, § 6.02; Ord. No. 95-49, § 1, 6-5-1995; Ord. No. 95-94, 10-2-1995; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-2. Bond and insurance.**

Before a permit is issued to work on a public sewer or water service, the contractor shall include with the permit application a certificate of insurance (listing the village as certificate holder and additional insured) and a bond in the following minimum amounts:

Under General liability:	
Each occurrence	\$1,000,000.00
General aggregate	\$2,000,000.00
Under workers compensation	\$ 500,000.00
License and/or permit bond (Indemnity/Surety)	\$ 10,000.00

Before a permit is issued to work on any municipal water and/or sanitary structure, whether above ground or below ground, the contractor shall provide insurance in addition to the above insurance the following minimum amounts:

Excess liability	\$5,000,000.00
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(Code 1977, § 6.03; Ord. No. 2000-58, § 3(6.03), 5-1-2000)

**Sec. 82-3. Supervision of connections.**

All water and sewer connections shall be made under the supervision of the village engineer or his authorized representative, and no connec-

tion or service line construction shall be covered until the work has been inspected by him or his authorized representative.  
(Code 1977, § 6.04)

**Sec. 82-4. Reimbursement for public improvement.**

(a) Whenever any property owner or developer shall construct at his own expense within public rights-of-way or easements of the village, a sanitary or storm sewer or water system improvement, as approved by the village, a provision for payback to the constructing owner or developer will be provided for if other property connections are made by nonparticipating owners or developers. However, a request for payback must be made in writing to the village and proper certification of the costs submitted to the village administrator for review and approval, and the pro rata payback determined.

(b) The village does not guarantee or assume any liability to ensure that the improving owner shall recover all his costs for the improvements installed.

(c) Whenever the owner or owners of any such intervening property or properties shall thereafter apply to the village for right to tap into or make connection with such sewer or water line extension, the frontage fee for water (subsection 82-91(2)) and sewer (section 82-173) shall be paid to the village. Upon receipt, the village shall then reimburse the improving owner his pro rata share up to an amount not to exceed that determined in subsection (a) of this section. The determination of the village administrator as to the amount of such reimbursement shall, in the absence of willful fraud or misconduct, be conclusive as between the village and the person having constructed such line.

(d) The sums in subsection (a) provided to be contributed by intervening owners shall be in addition to and exclusive of fees required and fixed by ordinance as inspection or permit fees for connection with or tap into the village sewer or water lines and fees required by North Shore Water Reclamation District, or the county public works department, if any.

(e) When the owner or owners of property contiguous to the property of any owner who shall have previously constructed any public improvement as above described shall be desirous of connecting to and extending such sewer or water line within the public streets, then such extension shall be permitted only if in the opinion of the village engineer, based upon village engineering standards, the existing facility shall be adequate for such purpose and provided that such extension shall be made along the total frontage of the property of the applicant owner abutting upon such street which is currently being developed.  
(Code 1977, § 6.06; Ord. No. 2016-72, § I, 10-17-2016)

**Secs. 82-5—82-30. Reserved.**

**ARTICLE II. ADMINISTRATION\***

**Sec. 82-31. Utilities division.**

There is hereby established a division of the village public works department to be known as the utilities division. The utilities division shall be responsible for the general management and control of the waterworks and sewer works system, subject, however, to the supervision of the president and board of trustees of the village.  
(Code 1977, § 6.01)

**Secs. 82-32—82-60. Reserved.**

**ARTICLE III. WATER SERVICE**

**DIVISION 1. GENERALLY**

**Sec. 82-61. Obstructing or damaging water system.**

(a) No person shall in any manner obstruct the access to any stopcock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public ground or place connected with or part of the water system, nor pile or place any lumber, brick or building material

or other article, thing or hindrance within 12 feet of such water system facilities, or so as to in any manner hinder, delay or obstruct the members of the fire department in reaching such facilities.

(b) It shall be unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in the water system, reservoir or plant, or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, water meter, shut-off box, public fountain, valve, engine or building connected with the water system, or plant.  
(Code 1977, § 6.07)

**Sec. 82-62. Use of water hydrants.**

No person not duly authorized shall turn the water on at any fire hydrant or service cock, or use water therefrom when so turned on and the person so using or wasting water in such unlawful manner shall be liable to pay for such water.  
(Code 1977, § 6.08)

**Sec. 82-63. Water meters.**

(a) All water consumers supplied by the village shall be supplied through meters only and shall pay for the water at the rates and in the manner specified in this section.

(b) Whenever any meter, by reason of its being out of repair, or for any cause fails to register the water passing through such meter, the consumer shall be charged for water and sewer service at the rate shown for the corresponding time of the previous year under like conditions. If no record of the previous year exists, then it shall be the duty of the director of public works to estimate or determine so far as he can the amount of water consumed during the time such meter fails to operate, and the consumer shall pay the amount so estimated.

(c) For properties for which the village provides installation services for water meters, in the event that the property owner, or designee, fails to allow entrance to the water utility employee to perform installation service, requiring a return

\*Cross reference—Administration, ch. 2.

visit, the property owner shall be assessed a fee in the amount set forth under section 32-38 prior to the water meter installation.

(Code 1977, § 6.09; Ord. No. 2007-07, § I, 2-5-2007; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-64. Liability.**

(a) *Property owner.* The property owner shall be responsible for all costs of maintenance and/or repair to the water service from and including all interior plumbing of the building and exterior of the building up to, but not including, the curb stop. The village shall be responsible for all costs of maintenance to the water service from and including the curb stop to the water main including the corporation stop and tapping saddle. The words "cost of maintenance" shall not only include the cost of the pipe and related materials, but shall also include the cost to repair any areas damaged by the excavation and related work. These areas may include pavement, curb and gutter, sidewalk, parkways, driveways and landscaping.

(b) *Village.* All connections and water applied for under this article, and for sewer service of the village, and all the water used under this article, shall be upon the express condition that the village shall not be liable, nor shall any claim be made against it for damages or injury caused by reason of the breaking of any part of the sewer system or of any water main, branches, service pipes, apparatus or appurtenances connected with the water or sewer system or plant, or any part or portion of the plant, or for any interruption of the water supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals.

(Code 1977, § 6.10)

**Sec. 82-65. Access to premises.**

The village and its employees shall have ready access to the premises, places or buildings where meters are located for the purpose of reading, examining, testing and repairing the meters, and examining and testing the consumption, use and flow of water, and it shall be unlawful for any person to interfere with, prevent or obstruct the village, or its authorized agent, in its duties under

this article. Every consumer of water shall take the water upon the conditions prescribed in this section.

(Code 1977, § 6.11)

**Sec. 82-66. Water for construction work.**

Persons desiring to use village water for building or construction purposes shall make application therefore in writing and file the application in the office of the village engineer on a form provided for that purpose. Upon a permit being granted, permits shall be issued in writing and signed by the director of public works, a valve and meter hook-up for obtaining water off of the closest hydrant shall be obtained from the director of public works based upon deposit for a one-inch meter or three-inch meter based on the fee amounts set forth under section 32-38, refundable fee, such fee being used to pay for water used and the balance, if any, refunded once the meter and valve are returned in acceptable condition. An alternate method to obtain construction water is for a service pipe to be carried at the expense of the applicant to the inside of the curb line, where a service cock and meter shall be placed, with pipe leading to the surface, and a faucet placed at the end thereof above the surface. When the building or construction work is completed, the faucet and meter shall be removed and the water shut off, unless permanent connection under this article is made. The charge for the use of unmetered construction water shall be \$10.00 minimum, or as determined by the village engineer and payable prior to refund of such deposit. (Code 1977, § 6.13; Ord. No. 2007-07, § II, 2-5-2007; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-67. Regulation of water consumers.**

The following rules and regulations for the consumers of water and plumbers are hereby adopted and established:

- (1) *Supplying others.* No water consumer may supply water to other families or allow them to take it, except for use on the premises and for the purposes specified in the application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap, or connec-

tion with the work upon the premises for alterations, repairs, extensions or attachments without a written permit therefor to be issued by the director of public works.

- (2) *Shutting off water.* The village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to such mains, or for the concentrating of water in any part of the village in case of fire; and for restricting the use of the water in case of deficiency in supply. No claim shall be made against the village by reason of the breaking of any service pipe or service cock or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections or repairing any part of the water system, or from failure of the water supply, or by increasing the water pressure at any time, or from concentration or restricted use of water as provided in this section.

(Code 1977, § 6.14)

**Sec. 82-68. Turning off water for violations or nonpayment and reinstatement fees.**

For violation of any of the rules in this article or for the nonpayment of water bills, the village reserves the right to turn off the water without notice, and after the water has been turned off from any service pipe on account of nonpayment of water bills, or violation of rules, the water will not be turned on until all delinquent bills and penalties are paid, together with the expense of turning off and on such water. The reinstatement fees shall be set forth under section 32-38. No water will be furnished to any person who is indebted to the village on account of water consumed, material or repairs.

(Code 1977, § 6.15; Ord. No. 98-19, § 1, 2-23-1998; Ord. No. 2007-07, § III, 2-5-2007; Ord. No. 2011-50; § I, 6-20-2011; Ord. No. 2013-12, § I, 3-18-2013; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-69. Restrictions on water use.**

The following mandatory water conservation regulations shall be applicable to all water service customers of the village:

- (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:

*Irrigation* means the dispersion of water to prevent arid soil conditions and/or promote landscape growth.

*Landscape* means sodded and seeded lawns, gardens, trees, shrubs and other living plants.

- (2) *Landscape water use restrictions.* The use of water from the village's water system for use in landscape irrigation is prohibited except as follows:

- a. Even-numbered addresses may water on even-numbered calendar days (2nd, 4th, etc.) commencing at 6:00 p.m. until 10:00 a.m. of the following day.
- b. Odd-numbered addresses may water on even-numbered calendar days (3rd, 5th, etc.) commencing at 6:00 p.m. until 10:00 a.m. of the following day.
- c. Watering using hand held devices will be permitted at any time.

These restrictions will be in effect from May 15 through September 15 of each year.

- (3) *Landscape permits.* Upon issuance of a permit by the village the following uses of water shall be permitted: The watering of new landscaping for not more than 14 consecutive days between the hours of 6:00 p.m. and 10:00 a.m. with automatic and/or handheld watering devices.

(Code 1977, § 6.17; Ord. No. 2005-54, § I, 7-11-2005; Ord. No. 2012-78, § I, 10-1-2012)

**Sec. 82-70. Extension of water mains.**

- (a) Any water main construction in the village shall be made in conformance with the prevailing engineering standards of the village and only as authorized by the corporate authorities.



(b) All costs of extending water mains shall be at the expense of the benefiting property owners.

(c) The corporate authorities may from time to time expend the funds accumulated in the waterworks surplus funds to cause extensions to be made for purposes which improve the overall system, such as: joining dead end mains to form a looped system; increasing the size of mains in certain areas to provide improved pressure or flow; or cause extensions requested for less than one block in any subdivided area to be extended to the end of the block if so recommended by the village engineer.

(d) Where any property is improved by extensions as provided in subsection (c) of this section, a charge shall be paid by the property owners benefited when connected to the system upon a per front foot basis as established from time to time by the corporate authorities.  
(Code 1977, § 6.18)

**Sec. 82-71. Emergency water use plan.**

During a water shortage crisis declared by federal, state or local governmental officials, the village will take the following necessary measures to reduce water demand to a minimum level necessary to maintain the health, safety and welfare of the residents of the village as follows, to wit:

- (1) Prohibit hydrant and water system flushing.
- (2) Place a ban on all external water uses such as watering of lawns, gardens, etc.
- (3) Prohibit the use of water for fire department training.
- (4) Restrict water available for industrial use.
- (5) Prohibit use of water in street sweeping operations.
- (6) Restrict use of water at commercial car washes, public swimming pools and water cooled air conditioning systems.
- (7) Reduce water pressure in the potable water system.
- (8) Impose reasonable daily per capita consumption limits on all residents.

- (9) Restrict water use except for residential uses and essential services.

As more fully described by the emergency water use plan, on file in the office of the village clerk, and which is hereby adopted by reference.  
(Code 1977, § 6.19)

**Sec. 82-72. Bulk water for pool filling.**

Persons desiring to use village water for the purpose of filling swimming pools or other bulk water needs shall make application therefore in writing and file the application in the office of the director of public works. The applicant shall be responsible for the cost of the water at the current village rate plus a flat service fee as set forth in section 32-38.

(Ord. No. 2007-07, § IV, 2-5-2007; Ord. No. 2012-15, § I, 2-20-2012; Ord. No. 2013-40, § XIV, 8-19-2013)

**Secs. 82-73—82-90. Reserved.**

DIVISION 2. CONNECTIONS

**Sec. 82-91. Water service application; fee.**

No water shall be turned on for use on or in any premises until an application therefor, in writing, has been made for that purpose and filed with the village engineer, stating the purpose for which the water is to be used. There shall be two fees, in addition to the inspection fee, paid at the time of application: (i) connection fee, and (ii) frontage fee as set forth in this section. These fees shall be deposited into the water operating fund.

- (1) *Connection fee.* The basic applicable connection fee provided for in this section is to provide a reasonable contribution toward that proportionate part of the overall cost of the existing village water system (not including the cost of area line installations to be recouped under a frontage fee) heretofore paid by the patrons of the system prior to such connection. For each water connection made to a residential, commercial or industrial building or other type structure, the basic connection charge hereunder shall be determined on a population equivalent (P.E.) basis of

water use for each facility connected, using 100 gallons per population equivalent per day as a criteria based upon a charge of \$400.00 per population equivalent, and as set forth in section 32-38.

- (2) *Frontage fee.* In addition to the above connection fee, there shall be a set frontage fee as set forth in section 32-38 per front foot of the premises to be served charged to all applicants, except no frontage fee shall be charged to any owner or developer for property owned or developed by the owner or developer fronting any water main extension installed by the owner or developer and turned over to the village. All such fees shall be paid by applicant at the time of application.

The property frontage for determining this fee shall be based upon actual frontage of a recorded, subdivided lot for each connection, except in the case of unusual lot shapes and frontage lengths that are not within plus 50 percent of the minimum lot width for the zone applicable. In the case of unusual lot shapes or frontage lengths, the village engineer will determine frontage length based upon reasonable engineering guidelines and taking into consideration the zoning district and possible future subdivision of the land. Some methods of calculation to be used are calculating lot frontage at building setback line or averaging front and rear lot lines.

The applicant shall also be required to pay for a meter to be installed on his premises at the time of application. Meter charge is established periodically by the village engineer based on the then current price of meters.

(Code 1977, § 6.05; Ord. No. 97-73, § 1, 6-16-1997; Ord. No. 99-61, § 1, 5-17-1999; Ord. No. 2003-28, § I, 4-7-2003; Ord. No. 2006-45, §§ I, II, 6-5-2006; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-92. Separate supply to each premises.**

No owner or plumber shall conduct water pipes into any two distinct premises unless separate

and distinct stopcocks shall be placed on the outside of such premises along the sidewalk opposite the premises, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. (Code 1977, § 6.16)

**Secs. 82-93—82-110. Reserved.**

DIVISION 3. RATES AND CHARGES

**Sec. 82-111. Water rates generally.**

There shall be and are hereby established charges and rates for the use and service of the waterworks system of the village as well as the operation, maintenance and replacement of the system. Use and service for water shall be metered and the bimonthly charges for water shall be as set forth therein.

(Code 1977, § 6.12(a); Ord. No. 2002-93, § 1, 9-23-2002; Ord. No. 2009-78, § I, 11-16-2009; Ord. No. 2011-50, § I, 6-20-2011)

**Sec. 82-112. Water charges and rates.**

(a) *Water usage rates.* A bimonthly water usage charge per 1,000 gallons or part thereof of water supplied shall be charged per billing unit as set forth in section 32-38.

(b) *Water service charges.* A bimonthly water service charge shall be charged per billing unit as set forth in section 32-38.

(Code 1977, § 6.12(b); Ord. No. 2002-93, § 2, 9-23-2002; Ord. No. 2009-78, § II, 11-16-2009; Ord. No. 2011-50, § I, 6-20-2011; Ord. No. 2012-20, § I, 3-19-2012; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-113. Hydrant charges.**

(a) In addition to the foregoing rate, there shall be charged to the village fire department the sum of \$1.00 per month for each fire hydrant connected to the waterworks system for fire protection.



(b) The village reserves the right to make such reasonable changes in rates and in conditions established in this article and to establish further rules and regulations from time to time as may be found expeditious or necessary. (Code 1977, § 6.12(c); Ord. No. 2011-50, § I, 6-20-2011)

**Cross reference**—Fire prevention and protection, ch. 34.

**Sec. 82-114. Billing; penalties.**

Bills for water service shall be rendered on bimonthly intervals and shall be payable on or before the due date on the bill. A late payment charge of ten percent shall be added to all bills not paid by the due date of each bill. The village administrator and director of public works are further authorized to shut off water service to users if the bill has not been paid within 45 days of the bill date.

(Code 1977, § 6.12(d); Ord. No. 98-66, § 1, 6-1-1998; Ord. No. 2011-50, § I, 6-20-2011)

**Sec. 82-115. Liability for charges.**

The owner of the premises, the occupants thereof and the user shall be jointly and severally liable to pay for the water service on the premises, and the water service is furnished to the premises by the village upon the condition that the owner of the premises, occupant and user of the service, are jointly and severally liable therefore to the village. If the applicant for water service is not the owner of the premises to which the water is to be supplied, the applicant shall deposit with the water department the sum as set forth in section 32-38 or a written guarantee of the payment of the water bill executed by the owner of the premises to which water is to be supplied shall be furnished to the water department. Such a deposit shall be returned to the consumer or the guarantee shall be cancelled when the water service is terminated and the account is paid in full. In the event of the failure to pay for water consumed, the village may use such deposit to apply toward the delinquent account at the time the water department elects to terminate the service for the failure of the consumer to pay the water bill. In the event the occupants, other than the owner of the premises,

fail to make the deposit as required, the village may elect to terminate the service for failure of the occupants to pay the deposit by giving notice and the opportunity for hearing by such occupants, in accordance with the laws of the state.

(Code 1977, § 6.12(e); Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-116. Customers beyond corporate limits.**

A surcharge as set forth in section 32-38 will be charged to all users of village water outside the corporate limits of the village.

(Code 1977, § 6.12(f); Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-117. Hydrant usage rate.**

The rate for use of bulk water directly from fire hydrants for construction or landscaping activities shall be the then-current water rate per 1,000 gallons plus a hydrant usage rate surcharge as set forth in section 32-38.

(Ord. No. 2011-50, § I, 6-20-2011; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-118. Reserved.**

**Editor's note**—Ord. No. 2016-04, § III, adopted January 11, 2016, repealed § 82-118, in its entirety. Former § 82-118 pertained to "Water usage charge adjustment," and was derived from Ord. No. 2011-50, § I, adopted June 20, 2011; Ord. No. 2012-20, § I, adopted March 19, 2012 and Ord. No. 2013-40, § XIV, adopted August 19, 2013.

**Sec. 82-119. Water meter fees.**

The cost of a water meter, together with its installation costs, shall be paid by the person requesting water service or the owner of the premises where it is placed.

All repairs and renewals of meters shall be at the direction of the village. The owner of or applicant for the repair and replacement of a meter shall at all times be responsible for any damage done to such meter, including that caused by freezing, heat, vandalism, or theft thereof, or for the replacement of a seal placed by the village. If such a meter needs to be replaced, it shall be replaced with one that can be read through the use of a remote reader. The cost of

replacement due to negligence will be charged to the property owner. On buildings with four or more units, as well as commercial and industrial buildings, the users will be charged for all meter replacements.  
(Ord. No. 2011-50, § I, 6-20-2011)

**Secs. 82-120—82-140. Reserved.**

**ARTICLE IV. SEWERS AND SEWAGE DISPOSAL**

**DIVISION 1. GENERALLY**

**Sec. 82-141. Sewer definitions.**

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

*Administrator* means the village administrator of the village or his authorized deputy or representative.

*Basic user charge* means the amount to be paid each billing period by all public sewer users for payment of operation and maintenance costs plus replacement of the sewerage works.

*BOD* means biochemical oxygen demand which is defined as the quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, determined by standard laboratory test procedures and expressed in mg/l.

*Building commissioner* means the building commissioner of the village or his authorized deputy or representative.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*Building drain* means 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 a building and conveys it to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the inner face of the building wall.

*Control manhole* means a structure specifically designed and constructed for sampling and metering industrial wastes discharged to a public sewer.

*Debt service charge* means the amount to be paid each billing period by all public sewer users for payment of principal and interest of outstanding bonds and to provide bond reserve funds required by bond ordinance.

*District* means the North Shore Water Reclamation District of Lake County, Illinois.

*Easement* means an acquired legal right for the specific use of land owned by others.

*Federal Act* means the Federal Water Pollution Control Act (33 USC 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Public Law 92-500 and Public Law 93-243).

*Garbage* means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

*Industrial user* means any nongovernmental user of publicly owned sewerage works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- Division A - Agriculture, Forestry, and Fishing.
- Division B - Mining.
- Division D - Manufacturing.
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- Division I - Services.

A user in the divisions listed in this definition may be excluded if it is determined by the superintendent that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

*Industrial waste* means the wastewater 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 employees' wastes or wastewater from sanitary conveniences.

*Major contributing industry* means an industrial user that has a flow of 50,000 gallons or more per average work day, or has a flow greater than ten percent of the flow carried by the sewerage works receiving the waste, or has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act, or is found by the permit issuance 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.

*mg/l* means milligrams per liter.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake, or other body of surface water.

*NPDES permit* means any permit or equivalent document to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

*Person* means any and all persons, natural or artificial including any individual, firm, company, public or private corporation, association, society, institution, enterprise, governmental agency or other entity.

*pH* means the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed in gram molecular weight (moles) per liter.

*Population equivalent* means to evaluate the impact of industrial or other wastes on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

*Pretreatment* means the treatment of wastewaters from sources before discharge into the public sewer.

*Properly shredded garbage* means garbage that has 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-inch (1.27 centimeters) in any dimension.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights of connection and use, and is operated, maintained and controlled by the village.

*Replacement costs* means expenditures for purchasing and installing equipment, accessories, or appurtenances which are necessary during the service life of the sewerage works to maintain the capacity and performance for which such works were designed and constructed. Residential, or commercial, or nonindustrial.

*Sanitary sewer* means a sewer that conveys sewage and polluted industrial wastes, and to which stormwater, surface drainage, groundwater or unpolluted wastewater are not intentionally admitted.

*Sewage treatment plant* means an arrangement of devices, structures and processes for treating and disposing of sewage.

*Sewage* means a combination of the wastewater from residential, commercial, industrial and institutional buildings together with such groundwater infiltration and surface water inflow that may be in the sewers.

*Sewer user service charge* means the total amount to be paid each billing period by public sewer users including the basic user charge, the debt service charge, and a surcharge, if applicable.

*Sewer* means a pipe or conduit for conveying sewage or any other wastewater, including stormwater, surface water and groundwater drainage.

*Sewerage revenue fund* means the principal accounting designation for all revenues received in the operation of the sewerage works.

*Sewerage works* means all facilities of the village for collecting, pumping, treating and disposing of sewage and industrial wastes.

*Shall means mandatory; may means permissive.*

*Slug* means any discharge of sewage, industrial waste or other wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

*State act* means the Illinois Anti-Pollution Bond Act of 1970, 415 ILCS 405/1 et seq.

*State environmental protection act* means the Illinois Environmental Protection Act, 415 ILCS 5/1—5/51.

*State grant* means a state grant under the State Anti-Pollution Bond Act of 1970, 415 ILCS 405/1 et seq., for financing the construction of sewerage works.

*Storm sewer* and *storm drain* mean a sewer that conveys stormwater runoff and surface water drainage, but excludes sewage and polluted industrial wastes.

*Stormwater runoff* means that portion of precipitation which is not absorbed into the ground and which is drained from the ground surface to a natural outlet or watercourse.

*Superintendent* means the director of public works of the village or his authorized deputy or representative.

*Surcharge* means the amount to be paid each billing period by certain public sewer users in addition to the basic user charge and the debt service charge.

*Suspended solids* means solids that either float on the surface of, or are in suspension in water, sewage, industrial wastes, or other wastewaters; the quantity of which is determined by standard laboratory filtering test procedures and referred to as nonfilterable residue expressed in mg/l.

*Unpolluted wastewater* means wastewater that would not cause any violation of water quality standards of the water pollution regulations of the state when discharged to a natural outlet or watercourse.

*Useful life* means the estimated period during which the sewerage works will be operated and shall be 30 years from the date of start-up of any facilities constructed with a state grant.

*User* means any user of the sewerage works not classified as an industrial user or excluded as an industrial user.

*User class* means the type of user either residential or commercial (nonindustrial) or industrial.

*Wastewater* means the wastewater from any domestic, commercial, industrial and institutional uses.

*Watercourse* means any stream, creek, brook, branch, natural or artificial depression, slough, gulch, ditch, reservoir, lake, pond, or other natural or manmade drainageway in or into which stormwater runoff and surface water drainage flow either continuously or intermittently. (Code 1977, § 6.31; Ord. No. 2016-72, § I, 10-17-2016)

**Cross reference**—Definitions generally, § 1-2.

#### **Sec. 82-142. Interceptors.**

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.

(Code 1977, § 6.38)

#### **Sec. 82-143. Control manholes.**

Each industry shall be required to install a control manhole and, when required by the superintendent or the district, 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 measure-



ment of the wastes. Such manhole, when required, shall be accessibly and safety located, and shall be constructed in accordance with plans approved by the superintendent. 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.

(Code 1977, § 6.39)

**Sec. 82-144. Laboratory tests of wastes.**

(a) 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 demonstrate compliance with this chapter and any special conditions for discharge established by the district 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 district, 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.

(b) The owner shall report the results of measurements and laboratory analyses to the district at such times and in such manner as prescribed by the district. The owner shall bear the expense of all measurements, analyses, and reporting required by the district. At such times as deemed necessary, the district reserves the right to take measurements and samples for analysis.

(Code 1977, § 6.40)

**Sec. 82-145. Tests and measurement standards.**

(a) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such 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.

(b) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite sample or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composite samples, whereas pHs are determined from periodic grab samples.

(Code 1977, § 6.41)

**Sec. 82-146. Agreements for treatment of wastes.**

No statement contained in these regulations shall be construed as prohibiting any special agreement or arrangement between the village and/or district and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the village and district for treatment, subject to payment therefor by the industrial concern, provided such payments are in accordance with village and district ordinances for user charge system and industrial cost recovery system.

(Code 1977, § 6.42)

**Sec. 82-147. Protection of sewage works from damage.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this section shall be subject to immediate arrest under charge of disorderly conduct and damaging public property.

(Code 1977, § 6.43)

**Sec. 82-148. Powers and authority of inspectors.**

(a) *Entry on to premises.* The superintendent and other duly authorized employees of the village, the district, the Illinois Environmental

Protection Agency, and the United States 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 chapter. 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.

(b) *Liability of sewer user.* While performing the necessary work on private properties referred to in subsection (a) of this section, the superintendent or duly authorized employees of the village, the district, the state environmental protection agency, and the United States 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 loss or damage to its property by village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 82-143.

(c) *Credentials and rights to inspect.* The superintendent and other 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, measurements, sampling, repair, and maintenance of any portion of the sewerage works lying within such easement. All entry and subsequent work, if any, on such easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.  
(Code 1977, § 6.44)

**Sec. 82-149. Access to records.**

The state environmental protection agency or its authorized representative shall have access to any books, documents, papers and records of the village which are applicable to the village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to the state grant.  
(Code 1977, § 6.49)

**Sec. 82-150. Penalties.**

(a) Any person found to be violating any provision of this chapter, except sections 82-61, 82-62 or 82-147, shall be served by the village 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 chapter.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section, or who violates sections 82-61, 82-62 or 82-147, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not less than \$10.00 nor more than as provided in section 1-11 of this Code for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this chapter shall become liable to the village by reason of such violation.  
(Code 1977, § 6.51)

**Sec. 82-151. Flushing of sanitary sewers.**

Flushing of sanitary sewers with potable water shall be performed through the use of a high velocity type sewer jet.  
(Code 1977, § 6.52)

**Sec. 82-152. Discharge of sewage or industrial wastewater.**

(a) It shall be unlawful for any person, firm, or corporation to discharge any sanitary sewage or industrial wastewater into any storm sewer or ditch constructed as a part of the improvement of F.A. U.S. Route 1221 (Grand Avenue) through the village.

(b) Any person, firm, or corporation violating the provisions of this section shall be fined not more than as provided in section 1-11 of this Code for each offense.  
(Code 1977, § 6.54)

**Sec. 82-153. Discharge of storm, sanitary and industrial wastewater.**

(a) It shall be unlawful for any person, firm or corporation to discharge any storm, sanitary and industrial wastewater into any storm sewers or drainage ditch facilities constructed as part of the improvement of F.A.P. Route 120 (U.S. Route 41) State Section 1977-207-BR through the village.

(b) Any person, firm or corporation violating this section shall be fined not less than \$25.00 nor more than as provided in section 1-11 of this Code for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.  
(Code 1977, § 6.55)

**Sec. 82-154. Discharge of sanitary sewage or industrial wastewater.**

(a) It shall be unlawful for any person, firm, or corporation to discharge any sanitary sewage or industrial wastewater into any storm sewer or ditch within the Village of Gurnee limits.

(b) Any person, firm, or corporation violating the provisions of this section shall be fined not more than as provided in section 1-11 of this Code for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues to exist.  
(Ord. No. 2008-64, § I, 9-8-2008)

**Secs. 82-155—82-170. Reserved.**

**DIVISION 2. BUILDING SEWERS AND CONNECTIONS**

**Sec. 82-171. Permit required.**

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.  
(Code 1977, § 6.34(a))

**Sec. 82-172. Wastewater standards.**

It shall be unlawful to discharge wastewater to any public sanitary sewer except those wastewaters in compliance with standards promulgated pursuant to the federal act, or the state environmental protection act, or any rules, regulations, ordinances or standards of the village and/or the district.  
(Code 1977, § 6.34(b))

**Sec. 82-173. Classes of permits; fees.**

(a) There shall be two classes of building sewer permits: (i) for residential and commercial service, and (ii) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the village and by the North Shore Water Reclamation District. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the building commissioner. Each industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

(b) There shall be two fees, in addition to the inspection fee paid at the time of application: (i) connection fee, and (ii) frontage fee, as set forth in this section. These fees shall be deposited into the sewer operating funds. Owners that have previously paid for the sanitary sewer system by special assessment shall not be charged a frontage fee.

- (1) *Connection fee.* The basic applicable connection fee provided for in this subsection, is to provide a reasonable contribution toward that proportionate



part of the overall cost of the existing village sanitary sewer system, not including the cost of area line installations to be recouped under a frontage fee or special assessment, heretofore paid by the patrons of the system prior to such connection. For each sanitary sewer connection made to a residential, commercial or industrial building or other type structure, the basic connection charge hereunder shall be determined on a population equivalent (P.E.) basis of sewer use for each facility connected, using 100 gallons per population equivalent per day set forth in section 32-38.

a. *Lake County public works connection fee.* An additional connection charge shall be collected by the village when the sanitary sewer service request is located within the county public works sanitary sewer service area in accordance with this Code.

(2) *Frontage fee.* In addition to the above connection fee, there shall be a frontage fee as outlined in section 32-38 per front foot of the premises to be served charged to all applicants, except no frontage fee shall be charged to any owner or developer for property owned or developed by the owner or developer fronting any sewer line extension installed by such owner or developer and turned over to the village. All such fees shall be paid by applicant at the time of application.

(Code 1977, § 6.34(c); Ord. No. 94-34, § 1, 3-21-1994; Ord. No. 97-73, § 2, 6-16-1997; Ord. No. 2000-101, § 1(6.34), 8-21-2000; Ord. No. 2003-28, § II, 4-7-2003; Ord. No. 2003-84, § I, 11-17-2003; Ord. No. 2003-93, § I, 12-15-2003; Ord. No. 2004-80, § I, 11-1-2004; Ord. No. 2005-70, § I, 8-15-2005; Ord. No. 2005-100, § I, 11-21-2005; Ord. No. 2006-45, §§ III, IV, 6-5-2006; Ord. No. 2006-108, § I, 12-18-2006; Ord. No. 2007-84, § I, 11-5-2007; Ord. No. 2008-70, § I, 9-22-2008; Ord. No. 2011-2, § I, 1-11-2011; Ord. No. 2013-40, § XIV, 8-19-2013; Ord. No. 2016-72, § I, 10-17-2016)

**Sec. 82-174. Conditions for permit.**

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 works, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.  
(Code 1977, § 6.34(d))

**Sec. 82-175. Bond and insurance.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The person installing the building sewer for said owner shall be a plumber or sewer contractor and shall indemnify the village from any loss or damage that may directly or indirectly be occasioned by said installation. Before a building sewer permit is issued, the plumber or sewer contractor shall file with the permit application a certificate of insurance (listing the village as certificate holder and additional insured) and a bond in the following minimum amounts:

Under General Liability:	
Each occurrence	\$1,000,000.00
General aggregate	\$2,000,000.00
Under Workers Compensation	
	\$ 500,000.00
License and/or Permit Bond (Indemnity/Surety)	\$ 10,000.00

(Code 1977, § 6.34(e); Ord. No. 2000-58, § 4(6.34), 5-1-00)

**Sec. 82-176. Separate connection each building.**

A separate and independent building sewer shall be provided for every building; except 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.  
(Code 1977, § 6.34(f))

**Sec. 82-177. Old sewers; reuse.**

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the superintendent to meet all requirements of this chapter.  
(Code 1977, § 6.34(g))

**Sec. 82-178. Material.**

The building sewer shall be extra strength vitrified clay pipe and fittings conforming to ASTM Specification C700 with compression type joints conforming to ASTM Specification C425, or extra heavy cast iron soil pipe and fittings conforming to CISPI Specification HS-67 with compression type rubber gasket joints conforming to ASTM Specification C564, or other suitable materials approved by the superintendent.  
(Code 1977, § 6.34(h))

**Sec. 82-179. Size of pipe; construction.**

The building sewer shall not be less than six inch diameter size pipe installed at a minimum invert slope of 0.125-inch per foot, or not less than four-inch diameter size pipe in length of not less than ten feet installed at a minimum invert slope of 0.25-inch per foot. Building sewers shall be constructed in accordance with the requirements of the superintendent as to trench excavation and backfilling, installation of pipe and fittings and testing.  
(Code 1977, § 6.34(i))

**Sec. 82-180. Connection location: joint.**

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is 12 inches in diameter or less, and no properly located "Y" branch is available, the owner shall, at his expense, install a "Y" branch in the public sewer at the location specified and installation approved by the superintendent. Where the public sewer is greater than 12 inches in diameter, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45-degree ell may be used to make such connection, with the spigot end

cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection when approved by the superintendent.

(Code 1977, § 6.34(j))

**Sec. 82-181. Pipe bed.**

The building sewer pipe shall be bedded on a layer of gravel or crushed stone conforming to ASTM No. 67 specifications, and shall have a minimum thickness of four inches under the pipe barrel and two inches under bells. It shall be carefully placed and compacted around the pipe to provide uniform support to the bottom quadrant.

(Code 1977, § 6.34(k))

**Sec. 82-182. Elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drains shall be lifted by approved pumping devices and discharged to the building sewer.

(Code 1977, § 6.34(l))

**Sec. 82-183. Surface water drainage.**

No person 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.

(Code 1977, § 6.34(m))

**Sec. 82-184. Inspection.**

The applicant for the building sewer permit shall notify the superintendent 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.

(Code 1977, § 6.34(n))

**Sec. 82-185. Excavations; guards.**

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 property disturbed in the course of the work shall be restored in a manner satisfactory to the village. Prior to any excavation, the plumber or sewer contractor shall notify all public and private utility companies.

(Code 1977, § 6.34(o))

**Sec. 82-186. Clean out wye.**

In structures with crawl spaces or on slabs, it is required to install a clean-out Y (wye) at the outside wall.

(Code 1977, § 6.34(p))

**Sec. 82-187. Maintenance of sewer lines.**

In the case of maintenance to the sanitary sewer service the property owner shall be responsible for all costs of repairs to the limits set forth in this chapter as follows: The property owner shall be responsible for all costs of maintenance and/or repair to the sanitary sewer service from and including all interior plumbing of the building and exterior of the building including the service tap into the main sewer or related appurtenances. The service tap will be any and all appurtenances used to connect the service sewer to the main sewer. In the event of a failure of the sewer main the property owner can be held liable for repairs if it can be shown by the superintendent of public works or his representative, that the failure of the sewer main was directly caused by the improper installation of the service into the main. The village will be responsible for the cost of maintenance or repair of the sewer main except as noted above. The words "service" or "sewer" as used in this chapter include lines which are either gravity flow or pump fed systems. The words "cost of maintenance" shall not only include the cost of the pipe and related materials, but shall also

include the cost to repair any areas damaged by the excavation and related work. These areas may include pavement, curb and gutter, sidewalk, parkways, driveways and landscaping. (Code 1977, § 6.34(q); Ord. No. 96-7, § 1, 1-22-1996; Ord. No. 97-73, § 2, 6-16-1997; Ord. No. 99-61, § 2, 5-17-1999)

**Secs. 82-188—82-205. Reserved.**

**DIVISION 3. USE OF PUBLIC SEWERS**

**Sec. 82-206. Disposition of wastes on public or private property.**

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 any area under the jurisdiction of the village, any human or animal excrement, garbage or other objectionable waste. (Code 1977, § 6.32(a))

**Sec. 82-207. Treatment of wastes.**

It shall be unlawful to discharge to any natural outlet or watercourse within any area under the jurisdiction of the village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Code 1977, § 6.32(b))

**Sec. 82-208. Connection to sewer.**

The owner of all houses, buildings, 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 sewer of the village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sanitary sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that such sewer is within 400 feet (121.9 meters) of the property line. (Code 1977, § 6.32(d))

**Sec. 82-209. Stormwater disposition.**

(a) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any public sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to storm sewers or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged upon approval of the superintendent, to a storm sewer or natural outlet.

(c) In the case of maintenance to the storm sewer service, the property owner shall be responsible for all costs of repairs to the limits set forth in this chapter as follows: The property owner shall be responsible for all costs of maintenance and/or repair to the storm sewer service from and including all interior plumbing of the building and exterior of the building including the service tap into the main sewer or related appurtenances. The service tap will be any and all appurtenances used to connect the service sewer to the main sewer. In the event of a failure of the sewer main the property owner can be held liable for repairs if it can be shown by the superintendent of public works or his representative, that the failure of the sewer main was directly caused by the improper installation of the service into the main. The village will be responsible for the cost of maintenance or repair of the sewer main except as noted above. The words "service" or "sewer" as used in this section include lines which are either gravity flow or pump fed systems. The words "cost of maintenance" shall not only include the cost of the pipe and related materials, but shall also include the cost to repair any areas damaged by the excavation and related work. These areas may include pavement, curb and gutter, sidewalk, parkways, driveways and landscaping. (Code 1977, § 6.35)

**Sec. 82-210. Deleterious wastes.**

(a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- (2) 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.
- (3) Any waters or wastes having a pH lower than 5.5 or higher than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage works.
- (4) 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 sewerage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
  - (b) No person shall discharge or cause to be discharged to a public sanitary sewer the following described substances, materials, waters, or wastes if it appears likely in the opinion of the superintendent that such waters or 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 opinions as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of such waters or wastes in relation to flows and velocities in the sewers, materials or 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:
    - (1) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit, (65 degrees Celsius).
    - (2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit, (0 and 65 degrees Celsius).
    - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-quarter horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the superintendent.
    - (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
    - (5) 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 at the sewage treatment works exceeds the limits established by the district for such materials.
    - (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceed limits which may be established by the district 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.
    - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the district in compliance with applicable state or federal regulations.
    - (8) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the district in compliance with applicable state and federal regulations.



- (9) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the district in compliance with applicable state and federal regulations.
- (10) Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate;
  - b. excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions;
  - c. unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
  - d. unusual volume of flow or concentrations of wastes constituting "slugs" as defined in this article.
- (11) 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 wastewater treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(Code 1977, § 6.36)

**Sec. 82-211. Disposition of deleterious wastes.**

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in subsection 82-210(b) and/or which are in violation of the standards for pretreatment provided in Chapter L, EPA Rules and Regulations, Subchapter D, Water Programs, Part 128 - Pretreatment Standards, Federal Register volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which in the judgment of the district 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 reject the wastes; require pretreatment to an acceptable condition for discharge to the public sanitary sewers; require control over the quantities and rates of discharge; and/or 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 82-146.

(b) If the superintendent permits the pretreatment or equalization of wastewater flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and/or district and subject to the requirements of all applicable codes, ordinances, and laws.

(c) Where pretreatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.  
(Code 1977, § 6.37)

**Secs. 82-212—82-230. Reserved.**

DIVISION 4. PRIVATE SEWAGE DISPOSAL

**Sec. 82-231. Required.**

Where a public sanitary sewer is not available under the provisions of section 82-208, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.  
(Code 1977, § 6.33(a))

**Sec. 82-232. Permit.**

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the building commissioner. The application for such permit shall be made on a form furnished by the village which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the building commissioner.

A permit and inspection fee as required by the village shall be paid at the time the application is filed.

(Code 1977, § 6.33(b))

**Sec. 82-233. Inspections.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the building commissioner. The building commissioner 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 commissioner when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of written notice by the building commissioner.

(Code 1977, § 6.33(c))

**Sec. 82-234. Specifications.**

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state private sewage disposal licensing act and code and with the state environmental protection agency policies. 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 40,000 square feet (3,716 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet or watercourse.

(Code 1977, § 6.33(d))

**Sec. 82-235. Maintenance.**

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.

(Code 1977, § 6.33(e))

**Sec. 82-236. Connection to sewer.**

At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in section 82-208, the building sewer shall be connected to

such sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with sand or gravel.

(Code 1977, § 6.33(f))

**Sec. 82-237. Additional regulations.**

No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the building commissioner.

(Code 1977, § 6.33(g))

**Sec. 82-238. Privies and septic tanks.**

Except as otherwise 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.

(Code 1977, § 6.32(c))

**Secs. 82-239—82-255. Reserved.**

DIVISION 5. RATES AND CHARGES

**Sec. 82-256. Rates for sewer service.**

There shall be and are hereby established charges and rates for the use and service of the waterworks system of the village as well as the operation, maintenance and replacement of the system. Use and service for water shall be metered and the bimonthly charges for water shall be as set forth therein.

(a) *Sewer usage rates.* A bimonthly sewer usage charge per 1,000 gallons or part thereof shall be charged per billing unit as set forth in section 32-38.

(b) *Sewer service charges.* A bimonthly sewer service charge shall be charged per billing unit as set forth in section 32-38.

(c) *[Corporate limits.]* Users within the corporate limits of the village served by Lake County Northeast Central Service area, shall also be charged those applicable rates as set forth by ordinance by the county, which are hereby ad-



opted herein by reference. Unmetered services shall be billed at an estimated rate of usage of 10,000 gallons per month.

(Code 1977, § 6.45(a); Ord. No. 2008-4, § I, 1-14-2008; Ord. No. 2011-50, § I, 6-20-2011; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-257. Fixed rate for nonmetered units in multiuse building.**

The fixed sewer rates as set forth in section 32-38 herein shall be charged to each unit of a multiuse building where individual meters are not provided.

(Code 1977, § 6.45(b); Ord. No. 2011-50, § I, 6-20-2011; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-258. Minimum rates for certain users.**

The minimum rate shall be the appropriate rate as set forth in section 32-38 herein and shall apply per metered user or per unit within a multiuse building served by other than individual meters. For unmetered users the rates listed under section 32-38 shall apply, unless otherwise provided for herein.

(Code 1977, § 6.45(c); Ord. No. 2011-50, § I, 6-20-2011; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-259. Unmetered sewer charges.**

Residential sewer users not supplied with municipal water shall be charged a sewer usage rate equal to the current sewer rate in effect for 7,000 gallons per month and the current sewer fixed charges as set forth in section 32-38 herein.

(Code 1977, § 6.45(h); Ord. No. 2011-50, § I, 6-20-2011; Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-260. Installation of sewage metering devices—When volume of discharge cannot be determined.**

The superintendent may require installation of sewage metering devices to be installed and maintained by the user when the volume of waste water discharge to the public sewers cannot otherwise be determined by the use of water meters.

These metering devices may only be removed with the consent of the superintendent unless sewer service is canceled.

(Code 1977, § 6.45(e))

**Sec. 82-261. Same—Excessive discharges.**

Whenever it has been determined by the superintendent that nonmetered wastewater discharge exceeds 10,000 gallons per month, the superintendent may require such nonmetered sewer user to install metering devices on the water supply or building sewer to measure the volume of wastewater discharged to the public sewer.

(Code 1977, § 6.45(f))

**Sec. 82-262. Sewer user service charge outside village.**

The sewer user service charge for all users outside the corporate limits of the village shall include an additional surcharge as set forth in section 32-38.

(Code 1977, § 6.45(g); Ord. No. 2013-40, § XIV, 8-19-2013)

**Sec. 82-263. Review of charges.**

The adequacy of the sewer user service charges shall be reviewed annually by the certified public accountants for the village in their annual audit.

(Code 1977, § 6.45(h))

**Sec. 82-264. Billing.**

Bills for sewer service shall be rendered on bimonthly intervals and shall be payable on or before the due date on the bill. A late payment charge of ten percent shall be added to all bills not paid by the due date of each bill. The Village Administrator and Director of Public Works are further authorized to shut off water service to users if the bill has not been paid within 45 days of the bill date.

(Code 1977, § 6.45(i); Ord. No. 2011-50, § I, 6-20-2011)

**Sec. 82-265. Liability of owner, occupants and users.**

The owner of the premises, the occupant thereof, and the user of the sewer service shall be jointly

and severely liable to pay for such service to such premises, and such service is furnished to the premises by the village only upon the conditions that the owner of the premises, occupant and user of such service are jointly and severally liable therefor to the village. If the applicant for sewer service is not the owner of the premises to which the sewer is to be supplied, the applicant shall deposit with the village the sum set forth in section 32-38 or a written guarantee of payment of the sewer bill executed by the owner of the premises to which sewer is to be supplied shall be furnished to the village. Such a deposit shall be returned to the consumer or the guarantee shall be cancelled when the water service is terminated and the account is paid in full. In the event of the failure to pay for sewer services, the village may use such deposit to apply toward the delinquent account at the time the village elects to terminate the service for the failure of the consumer to pay the sewer bill. In the event the occupants, other than the owner of the premises, fail to make the deposit as required, the village may elect to terminate the service for failure of the occupants to pay the deposit by giving notice and the opportunity for hearing by such occupants, in accordance with the laws of the state.

(Code 1977, § 6.45(j); Ord. No. 2012-39, § I, 5-7-2012; Ord. No. 2013-40, § XIV, 8-19-2013)

#### **Sec. 82-266. Delinquent charges; lien.**

In the event the sewer user service charges including any penalty then due are not paid within 30 days after the date of billing, such charges and penalty shall be deemed and are hereby declared to be delinquent, and thereafter the administrator shall file a statement of lien claim with the recorder of deeds of the county. This statement of lien claim shall include the legal description of the property to which sewer service was provided, the amount of the unpaid sewer user service charges and penalty, and a notice that the village claims a lien for the stated amount as well as for all sewer service user charges and penalties, subsequent to the period for which the bill was rendered. Wherever the person whose sewer user service charges are delinquent is not the owner of the property to which sewer service was provided by the village,

and the administrator has previously received notice of this, notice of delinquency and lien shall be mailed to the owner of the property if his address is known by the administrator. The failure of the administrator to record the lien with the county recorder of deeds or to mail the notice of delinquency and lien to the owner of the property, or failure of the owner to receive such notice shall not affect the right of the village to foreclose the lien for unpaid bills as mentioned in section 82-267.

(Code 1977, § 6.45(k))

#### **Sec. 82-267. Foreclosure of lien.**

Property subject to a lien for unpaid sewer user service charges shall be sold for nonpayment of the unpaid sewer user service charges, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the village. The village attorney is hereby authorized and directed to institute such proceedings in the name of the village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 90 days after it has been rendered.

(Code 1977, § 6.45(l))

#### **Sec. 82-268. Sewerage revenue fund.**

The administrator shall receive all revenues from the sewer user service charges and all other funds and moneys incident to the operation of the sewerage works as such funds and moneys may be delivered to him and deposit the funds and moneys in the account of the fund designated as the Sewerage Revenue Fund of the village. The administrator shall administer such fund in every respect in the manner provided in 65 ILCS 5/11-141-1 et seq., and all other laws amendatory thereof and supplementary thereto.

(Code 1977, § 6.45(m))

#### **Sec. 82-269. Accounts.**

(a) The administrator shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions

relative to the sewerage revenue fund, and at regular annual intervals shall cause to be made an audit of the books to show the receipts and disbursements of such fund by the certified public accountants for the village.

(b) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the sewerage works including a replacement cost, to indicate that sewer user service charges and industrial cost recovery charges do in fact comply with this chapter. In this regard, the financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons of water consumption for the fiscal year.
- (2) Billing data to show total number of gallons billed.
- (3) Debt service for the next succeeding fiscal year.
- (4) Number of users connected to the sewerage works.
- (5) Number of nonmetered users.
- (6) A list of users discharging industrial wastes and volume of waste discharged.

(Code 1977, § 6.47)

**Sec. 82-270. Notice of rates.**

A copy of sections 82-149 and sections 82-256 through 82-270 certified by the village clerk, shall be filed in the office of the recorder of deeds of the



county, and shall be deemed public notice to all persons of the rates and charges of the village for sewer service and industrial cost recovery. (Code 1977, § 6.48)

**Secs. 82-271—82-299. Reserved.**

DIVISION 6. MANAGEMENT OF FAT, OIL  
AND GREASE—PUBLIC SEWERS

**Sec. 82-300. Title.**

This division shall be known and may be referred to as "Village of Gurnee Sanitary Sewer Fat, Oil, and Grease (FOG) Ordinance". (Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-301. Purpose.**

The purpose of this division is to establish certain minimum reasonable rules and regulations for any food processing, food sales, or food service establishment or user connected to, or applying to connect to, the village sanitary sewer system regarding the collection and disposal of fat, oil, and grease in wastewater, not otherwise required to obtain and hold an industrial wastewater discharge permit from the U.S. Environmental Protection Agency and/or the Illinois Environmental Protection Agency. This division also establishes certain minimum reporting requirements for the disposal of fat, oil, and grease wastes.

Excessive fat, oil, and grease in wastewater can and does lead to sewer backups and overflows, creating a public health hazard. Excessive fat, oil, and grease in wastewater can and does interfere with sanitary sewer systems and the wastewater treatment process and pass-through can result in effluent discharges that violate NPDES permit water quality discharge standards.

Sanitary sewer systems and wastewater treatment plants, and the continued proper functioning of these facilities, can and should be protected by reasonable regulation of systems contributing fat, oil, and grease into the sewer systems owned by the village. (Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-302. Administration.**

(a) *General.* The village shall enforce all of the provisions of this division, and shall act on any questions relating to the design or construction of grease recovery systems or devices, except as may otherwise be specifically provided by federal or state statute. The village shall also act as follows:

(b) *Applications and permits.* The village shall receive applications and issue permits for the siting and installation of grease recovery systems or devices, for all food processing, food sales, and food service establishments as defined herein. The village shall also review building plans, review grease recovery system(s) design plans, inspect the premises for which such installation permit(s) have been issued, and enforce compliance with the provisions of this division.

(c) *Notices and orders.* The village shall issue all necessary notices or orders necessary to insure compliance with all ordinance requirements. The village may revoke, in writing, any permit or approval held contrary to this division.

(d) *Authority to enter premises.* The village's authorized agent(s) or representative(s), after identification, shall have the authority to enter any property at any reasonable time to inspect for compliance with the provisions of this division. The village shall conduct regular inspections of each FOG-producing facility. The village may also make any necessary test, measurement, or sampling to determine compliance with ordinance requirements. No obstructions shall block the access to any grease trap or inspection manhole. (Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-303. Definitions.**

The following words, terms, and phrases are hereby defined and shall be interpreted as such throughout this division:

*Active interior recovery device (AIRD).* An active automatic separator and remover of fat, oil, and grease from effluent or wastewater discharge that cleans itself of accumulated fat, oil, and grease at least once every 24 hours, utilizing an electromechanical apparatus to accomplish removal.

*Clean-out.* A pipe that extends from the ground surface to the interior of the passive exterior device (PED), or other grease recovery system device, so as to allow access, maintenance, and inspection of the interior of the device.

*Inspection manhole.* A manhole structure, located downstream of a grease recovery system, designed and constructed to provide access to a sewer pipe or sewer main for sampling and metering commercial wastes discharged to a public sewer. For existing FOG-producing facilities, where no inspection manhole exists or has been installed, the inspection manhole shall be at the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

*Drainage fixture unit (DFU).* A value used to determine the required drainage capacity from the fixtures and their service systems as defined in the Illinois Plumbing Code.

*Effluent tee-pipe.* A tee-shaped pipe extending from the ground surface into the PED to a depth allowing recovery of water located under the layer of fat, oil and grease to be discharged.

*Exterior grease trap.* A grease trap, located outside of the exterior walls of the building or structure, which contains baffles sufficient to allow a proper separation of grease from water.

*FOG.* Fat, oil, and grease.

*FOG-producing facility.* A food processing, food sales, or food service establishment, as hereinafter defined.

*Food.* Any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, barter, or exchange, in whole or part for human consumption.

*Food processing establishment.* A commercial establishment in which food is manufactured, or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary.

*Food sales establishment.* A retail and wholesale grocery store(s); retail seafood store(s); food processing plant(s); bakeries; confectionaries; fruit, nuts, and vegetable store(s), and places of busi-

ness; and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off-premises.

*Food service establishment.* Any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term includes: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture retail sandwiches, soda fountains, institutional cafeterias, catering establishments, food vending vehicles and operations connected therewith, and similar facilities by whatever name called or by whomever operated.

*Grease recovery system.* A system of interceptors, separators, traps, or grease recovery devices, which prevents free-floating grease, fat, and oil from entering the sewage system by recovering and removing these substances from water.

*Grease-laden waste.* Effluent discharge that is produced from food processing, food preparation, or other commercial source where grease, fat, and oil enter automatic dishwasher pre-rinse station, sinks or other appurtenances.

*Grease trap.* An interceptor, separator, or recovery vehicle that prevents free-floating grease, fat, and oil from entering the sewage disposal system. Also includes a passive interceptor whose rated flow exceeds 50 gallons per minute or minimum storage capacity of 500 gallons or more and which is located outside the building.

*Hauler.* A waste disposal firm, licensed by the Illinois Department of Agriculture, that hauls and disposes of fat, oil, and grease wastes as described in this division.

*Newly constructed.* Any new FOG-producing facility that has not been issued a final certificate of occupancy by the municipal building official as of the effective date of this division.

*NPDES.* National Pollutant Discharge Elimination System.

*Passive exterior device (PED).* An oil/water separating container that requires pumping and is housed outside a building or structure. A passive interceptor with no moving parts with a rated flow of greater than 50 gallons per minute.



*Passive interior device (PID).* An oil/water separating container that requires normal manual cleaning, by pumping or bailing, and is housed inside a building or structure. A passive interceptor with no moving parts with a rated flow of 50 gallons per minute or less that serves as a fixture trap and is located inside a building.

*POTW.* Publicly owned treatment works. May sometimes be known or referred to as a sewage treatment plant or wastewater reclamation facility or plant.

*Pump-and-return method.* The method of decanting or discharging of removed waste back into the grease recovery system from which waste was removed or to any other grease recovery system or sanitary sewer connection.

*Remodeled.* Any facility that requires a building permit to make planned changes to an existing or a new FOG-producing facility.

*Significant industrial user.* Any FOG-producing facility that requires an industrial wastewater discharge permit, issued by the local POTW pursuant to applicable federal and state laws and regulations.

*Sludge.* Any material or solids, either organic or inorganic, that has settled to the bottom of the grease trap.

*Solids transfer/grease recovery device.* An active automatic pretreatment device, which macerates coarse solids and separates/recovers free floating grease, fat, and oil from effluent. The device cleans itself of accumulated grease, fat, and oil at least once every 24 hours, utilizing electromechanical apparatus to accomplish recovery and removal.

*Twenty-five percent rule (25% Rule).* All grease traps and/or grease interceptors shall be cleaned based on the 25% Rule. FOR EXAMPLE: If the total depth of the PED is 40 inches, the maximum allowable depth (d) of floatable grease and settled sludge equals 40 inches multiplied by 0.25 or  $d = TD \times 0.25 = 10$  inches. Therefore, the maximum allowable depth of floatable grease and sludge of this vessel should not exceed ten inches.

*User.* Any FOG-producing facility, its owner(s) or operator(s), or their agent(s), that contributes to the village wastewater collection system.

*Village.* The Village of Gurnee, Lake County, Illinois.  
(Ord. No. 2009-31, § I, 4-20-2009)

### **Sec. 82-304. General requirements.**

(a) *Existing facilities.* Every existing user shall have a grease recovery system. An existing user, serviced by a grease recovery system, that is noncompliant with the technical or design standards of this division, shall be permitted to continue discharging to the village wastewater collection system provided that the user's FOG discharge, as measured at the inspection manhole, does not exceed the village maximum discharge limit(s), as set forth by ordinance. The village may include conditions, restrictions, or performance standards on any existing user where that user is served by a noncompliant grease recovery system to minimize the risk of discharge(s) exceeding maximum discharge limits.

(b) *Newly constructed or remodeled facilities.* Every newly constructed or remodeled food processing, food sales, and food service establishment(s) (FOG-producing facilities) or user(s) that discharge water or wastes to a village sanitary sewer shall be required to install, operate, clean, and maintain a grease recovery system of appropriate size and design to achieve compliance with requirements of this division. Each FOG-producing facility shall have an inspection manhole installed and located at a point downstream of the grease recovery system. No person shall construct or install a grease recovery system without the prior approval of the village and issuance of a permit. Such approval shall include both the approval of a plan for the proposed grease recovery system construction or installation, and permission to conduct the work required.

(c) *All users.* The discharge from each grease recovery system, as measured from the inspection manhole, shall not exceed the village maximum discharge limit(s) as set forth by ordinance.  
(Ord. No. 2009-31, § I, 4-20-2009)



**Sec. 82-305. System maintenance.**

(a) *General.* All grease recovery systems, both existing and new, shall be maintained in a safe and sanitary condition, and in good working order, so that any discharge wherefrom, as measured from the inspection manhole, does not exceed the village maximum discharge limit(s).

(b) *Maintenance responsibility.* The owner(s), and any designated agent(s) shall be responsible for the maintenance of the grease recovery system for a FOG-producing facility at all times. All costs and expenses relating thereto shall be the responsibility of the owner(s).

(c) *Maintenance requirements.*

- (1) All users shall maintain any grease recovery system so that the fat, oil, and grease discharge wherefrom, as measured from/at the inspection manhole, does not exceed the village maximum discharge limit(s).
- (2) All grease traps, and all other grease recovery systems, shall have all floating material removed at a maximum of every 90 days. All grease traps and all other grease recovery systems shall be completely pumped out annually or when the contents of the trap exceed the 25% Rule. Annual maintenance, and maintenance due to exceeding the 25% Rule, shall include the complete recovery of all contents, including floating materials, wastewater, and bottom sludge and solids. The frequency of maintenance may be increased to comply with the village maximum discharge limit(s) or the manufacturer's recommendation. The frequency of removal shall be as often as necessary to prevent overflows of fat, oil, and grease entering into the village wastewater collection system.
- (3) The pump-and-return method of decanting or discharging of removed waste back into the grease recovery system is prohibited.
- (4) Any removal and hauling of fat, oil, and grease shall be performed by a licensed hauler.

(5) If any grease recovery system discharge wastes fail to meet the village maximum discharge limit(s), the village is authorized to demand or order the user to repair, replace, or upgrade its grease removal system, at the sole expense of the user.

(d) *Maintenance records.* Each user, at each FOG-producing facility, shall maintain proof of maintenance every time cleaning or maintenance of its grease recovery system(s) occurs. Records of such service shall be maintained by the user for a period of two years from the date of maintenance. Upon demand by the Village of Gurnee, maintenance records shall be provided within 24 hours.

Proof of maintenance shall include the following information provided by the user or the waste hauler:

- (1) User information, including name, address, the volume or weight of waste pumped from each grease recovery system, and date and time of the pumping;
- (2) Hauler information, including company name, address, state license/permit number, and disposal/receiving facility location information.

(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-306. Grease recovery systems—Design and performance standards.**

(a) *Where required.* A grease recovery system(s) shall be installed, operated, and maintained in each FOG-producing facility that discharges into the village wastewater collection system. Each FOG-producing facility shall have an inspection manhole.

(b) *Technology required.* An approved grease recovery system shall consist of one or a combination of the following methods:

- (1) Passive technology that is an approved exterior grease trap.
- (2) Active technology including:
  - a. An approved grease recovery device; or

- b. An approved solids transfer/grease recovery device.

(c) *Prohibited discharge.* Waste that does not contain grease, fat, or oil and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system. Wastewater from dishwasher machines or wastewater that otherwise exceeds 150 degrees Fahrenheit shall not be introduced into any grease recovery device. Food-waste grinders shall not discharge into the sewer system through a grease trap or grease recovery device.

(d) *High temperature dishwasher discharge.* Wastewater that exceeds 150 degrees Fahrenheit is prohibited from being discharged into the village wastewater collection system.

(e) *Dumpsters/dumpster pads.* Dumpsters/dumpster pads may be allowed to connect to the wastewater collection system under the following conditions:

- (1) The dumpster/dumpster pad is covered and constructed to protect the sewer connection from stormwater runoff; and
- (2) The drain is connected to an exterior grease trap of at least 1000 gallons, which will be maintained by the user in the method prescribed by this section for other exterior grease traps.

(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-307. Passive exterior device (PED) requirements.**

(a) Each PED, or other grease recovery system device, design including size, type, and location shall be reviewed and approved by the village in substantial conformity with these requirements as follows:

- (1) Shall be sized and engineered based upon the anticipated load and/or conditions of actual use.
- (2) Shall be constructed of sound, durable material, not subject to excessive corrosion or decay, and shall be water and gas tight if PEDs are of precast or poured-in-place concrete.

- (3) Shall be traffic-worthy with accessibility to both the influent and effluent tee pipes.
- (4) Shall contain baffles sufficient to allow a proper separation of FOG from water.
- (5) Shall be a minimum of 500 gallons and a maximum of 3,000 gallons in size. Multiple PEDs or other approved FOG recovery devices are allowed.

(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-308. Passive interior devices (PIDs).**

PID volume shall be credited towards the total PED capacity.

(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-309. Sizing of PEDs.**

(a) All PEDs shall have a minimum capacity of 500 gallons and a maximum capacity of 3,000 gallons. The design shall be in compliance with the following table, where the total number of drainage fixture units determine the grease trap size:

<i>Number of Drainage Fixture Units (DFUs)</i>	<i>Minimum Grease Trap Size in Gallons</i>
<8	500
9—21	750
22—35	1,000
36—90	1,250
91—172	1,500
173—216	2,000
217—307	2,500
>308	3,000

(b) The inlet chamber of the vessel shall incorporate a sanitary-tee, which extends 12 inches below normal water level. The outlet chamber of the vessel shall incorporate a sanitary-tee that extends to within two feet of the bottom of the vessel. The sanitary-tees (both inlet and outlet) must be capped.

(c) Exemptions to sizing PEDs. Food service establishments that serve 18 or fewer meals per day, or serve only continental breakfast, may be granted an exemption from the sizing requirements for PEDs listed in this chapter.

(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-310. Active interior recovery device requirements.**

AIRDs may be allowed in lieu of PEDs or other approved grease recovery system devices in accordance with the following conditions:

- (a) The method of food preparation involves and/or creates little or no discharge of grease; or
- (b) A technically logistical reason exists as to why an exterior grease trap cannot be installed (i.e., conflicts with existing utilities, elevation disparities, or location on a second floor).
- (c) The installation or use of all grease recovery devices must be approved by the village.
- (d) Grease recovery devices shall receive all grease-laden waste discharge from the major point sources. A floor drain may be considered a major point source as determined by the village plumbing inspector.
- (e) Grease recovery devices shall be sized based upon the anticipated load and/or conditions of actual use and manufacturer's recommendation.

(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-311. Alternative methods and treatment agents.**

(a) *Alternative technology / methods.* Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this division.

(b) *Biological or chemical treatment agents.* The use of biological or chemical agents, intended to dissolve or emulsify grease so it may be discharged into the sanitary sewer, are not permitted.

(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-312. Inspections.**

(a) *Regular inspections.* The village's designated agent(s) or representative(s) shall make or conduct regular inspections, as the village may

deem necessary, of each FOG-producing facility to evaluate and enforce compliance with the provisions of this division.

(b) *Inspection of newly constructed or remodeled FOG-producing facilities or grease recovery system replacement.* The village's authorized agent(s) or representative(s), shall make or conduct those inspections deemed necessary by the village to assure compliance with permits issued. These inspections shall, at a minimum, consist of an initial or in-progress construction or installation site inspection, and a final inspection following completion of the permitted installation.

(c) *Follow-up inspections.* A user charged with a notice of violation (NOV), issued by the village, shall be inspected at any time within 30 days of the date of NOV issuance. Subsequent reinspection(s) may occur at any time for as long as the user is noncompliant under the original NOV.

(d) *Demand inspections.* Any time a sanitary sewer overflow (SSO) or blockage occurs at or downstream of a FOG-producing facility, a demand inspection shall be made or conducted by the village's designated agent(s) or representative(s). If the user or FOG-producing facility is found to be in violation of any provision of this division, and that violation(s) caused or resulted in the SSO or blockage, the user shall be responsible for the payment of the labor, equipment, and material cost(s) to correct the SSO or blockage.

(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-313. Notice of violation.**

(a) *General requirements.* Whenever the village determines that there are reasonable grounds to believe that there is, or has been, a violation of any provision or section of this division, the village shall give notice of the alleged violation(s) to the user as herein provided. Such notice shall:

- (1) Be in writing.
- (2) Include a statement of the reason(s) for issuance of the notice.
- (3) Allow a reasonable time for the performance of any act it requires.
- (4) Be served upon the owner, or operator, as the case may require; provided that such

notice or order shall be deemed to have been properly served upon such owner, or operator, when a copy thereof has been sent by first class mail, postage prepaid, to his/her last known address as furnished to the village in his/her application for an installation permit, as the case may be, or, if served by any other method authorized by the laws of the State of Illinois; and

- (5) Contain an outline of remedial action which is required to affect compliance with this division.

(b) *Emergencies.* Whenever an emergency exists, which requires immediate action to protect public health or safety, or public or private property from damage or destruction, the village may, without any administrative notice or procedure, issue an order or seek an injunction to require that such action be taken as may be deemed necessary to meet the emergency. Notwithstanding any other provision of this division, such order or injunction shall be effective immediately.  
(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-314. Enforcement—Penalties and remedies.**

(a) Any person or user who violates any provision or section of this division, or who violates any determination or order of the village under this division, shall be fined not more than \$750.00 for each violation. Each day that a violation exists shall constitute a separate offense.

(b) The village may also take any other available legal action necessary to prevent or to remedy any violation, including, but not limited to appropriate equitable or injunctive relief or discontinuation of wastewater treatment service to the FOG-producing facility.  
(Ord. No. 2009-31, § I, 4-20-2009)

**Sec. 82-315. Other.**

(a) *Separability.* The provisions of this division shall be deemed separable and the invalidity of any portion of this division shall not affect the validity of the remainder.

(b) *Other law.* This division is not intended to repeal or replace any existing statute, regulation, ordinance, or law which may have been adopted prior to the effective date of this division. The provisions of this division shall be held to be the minimum requirements for the promotion and protection of the public health, safety, and welfare. Whenever a provision of this division and any other law or regulation overlap or are contradictory, the more stringent shall prevail. Compliance with this division does not release owner or user from compliance with the requirements of any other applicable federal, state, or local law or regulation.

(Ord. No. 2009-31, § I, 4-20-2009)

**Secs. 82-316—82-399. Reserved.**

**ARTICLE V. ELECTRICITY  
AGGREGATION PROGRAM**

**Sec. 82-400. Definitions.**

For the purpose of this article, the following terms shall have the following definitions:

*Act* shall mean the Illinois Power Agency Act, 20 ILCS 3855/1-92, as may be amended from time to time.

*Customer* shall mean recipients of residential and small commercial retail electric loads as provided in the act.

*Electricity aggregation program* shall mean a program pursuant to the act for the aggregation of residential and small commercial retail electric loads located within the corporate limits of the village that provides customers with the opportunity to opt out of participating in that program as provided in the act.

(Ord. No. 2012-23, § III, 4-2-2012)

**Sec. 82-401. Aggregation of electrical load.**

(a) The corporate authorities of the village are authorized to operate an electricity aggregation program pursuant to the act and for that purpose may solicit bids and enter into service agreements to facilitate the sale and purchase of electricity



and related services and equipment for those loads aggregated pursuant to the electricity aggregation program as provided in the act.

(b) The corporate authorities of the village may exercise the authority to operate the electricity aggregation program jointly with any other municipality or county and, in combination with two or more municipalities or counties, may initiate a process to jointly authorize the electricity aggregation program by a majority vote of each particular municipality or county as required by the act.

(Ord. No. 2012-23, § III, 4-2-2012)

**Sec. 82-402. Opt-out program.**

(a) The electricity aggregation program shall operate as an opt-out program whereby customers who do not wish to participate in the electricity aggregation program may opt out pursuant to the act.

(b) The village administrator or his designee, on behalf of the village, shall fully inform customers in advance, as provided in the act, that customers have the right to opt out of the electricity aggregation program. The disclosure provided to the customers shall comply with the requirements of the act and shall prominently state all charges to be made and shall include full disclosure of the cost to obtain service pursuant to section 16-603 of the act, how to access service, and the fact that service under section 16-603 of the act is available to customers without penalty if they are currently receiving service under section 16-603 of the act.

(c) Upon notification from any customer that the customer wishes to opt out of the electricity aggregation program, that customer shall be excluded from the electricity aggregation program.

(d) Except for those customers who opt out of the electricity aggregation program pursuant to this section 402 and the act, the electricity aggregation program shall automatically apply for each person owning, occupying, controlling, or using an electrical load center proposed to be aggregated in the corporate limits of the village.

(Ord. No. 2012-23, § III, 4-2-2012)

**Sec. 82-403. Adoption of plan of operation and governance for the electricity aggregation program.**

(a) The corporate authorities of the village, with the assistance from the Illinois Power Agency as required pursuant to the act, shall develop and approve a plan of operation and governance for the electricity aggregation program.

(b) Before adopting the plan of operation required under section 403(a) and the act, the corporate authorities shall hold at least two public hearings on the proposed plan. Before the first public hearing, the corporate authorities shall publish notice of the hearings once a week for two consecutive weeks in a newspaper of general circulation in the village. The notice shall summarize the plan of operation and state the date, time, and location of each hearing.

(c) The plan of operation and governance for the electricity aggregation program shall:

- (1) Provide for universal access to all applicable residential customers and equitable treatment of applicable residential customers,
- (2) Describe demand management and energy efficiency services to be provided to each class of customers, and
- (3) Meet any requirements established by law concerning aggregated service offered pursuant to the act.

(Ord. No. 2012-23, § III, 4-2-2012)

**Sec. 82-404. Solicitation of bids.**

The process for soliciting bids for electricity and other related services and awarding proposed agreements for the purchase of electricity and other related services for the electricity aggregation program shall be conducted pursuant to the act.

(Ord. No. 2012-23, § III, 4-2-2012)

## Chapter 83

### **CABLE AND VIDEO PROVIDER FEES AND REGULATIONS**

- Sec. 83-1. Definitions.
- Sec. 83-2. Cable/video service provider fee imposed.
- Sec. 83-3. Applicable principles.
- Sec. 83-4. No impact on other taxes due from holder.
- Sec. 83-5. Audits of cable/video service provider.
- Sec. 83-6. Late fees/payments.
- Sec. 83-7. Severability.





**Sec. 83-1. Definitions.**

As used in this chapter 83, the following terms shall have the following meanings:

*Cable service* means that term as defined in 47 U.S.C. § 522(6).

*Commission* means the Illinois Commerce Commission.

*Gross revenues* means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the village.

- (1) "Gross revenues" shall include the following:
  - (i) Recurring charges for cable or video service.
  - (ii) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
  - (iii) Rental of set top boxes and other cable service or video service equipment.
  - (iv) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.
  - (v) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
  - (vi) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
  - (vii) A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide

cable service or video service within the village. The allocation shall be based on the number of subscribers in the village divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

- (viii) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (ix).
- (ix) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
- (x) The service provider fee permitted by 220 ILCS 5/21-801(b).
- (2) "Gross revenues" do not include any of the following:
  - (i) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
  - (ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the state-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
  - (iii) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable

service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or nonvideo service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

- (iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
  - (v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the state-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.
  - (vi) Security deposits collected from subscribers.
  - (vii) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.
- (3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

*Holder* means a person or entity that has received authorization to offer or provide cable or video service from the commission pursuant to 220 ILCS 5/21-401.

*Service* means the provision of cable service or video service to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

*Service provider fee* means the amount paid under this chapter and 220 ILCS 5/21-801 by the holder to a Village for the service areas within its territorial jurisdiction.

*Video service* means 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 wireline facilities located at least in part in the public right-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.

(Ord. No. 2008-13, § II, 2-4-2008)

**Sec. 83-2. Cable/video service provider fee imposed.**

(a) *Fee imposed.* A fee is hereby imposed on any holder providing cable service or video service in the village.

(b) *Amount of fee.* The amount of the fee imposed hereby shall be five percent of the holder's gross revenues.

(c) *Notice to the village.* The holder shall notify the village at least ten days prior to the date on which the holder begins to offer cable service or video service in the village.

(d) *Holder's liability.* The holder shall be liable for and pay the service provider fee to the village. The holder's liability for the fee shall commence on the first day of the calendar month following

30 days after receipt of the ordinance adopting this chapter by the holder. The ordinance adopting this chapter shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the village.

(e) *Payment date.* The payment of the service provider fee shall be due on a quarterly basis, 45 days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(f) *Exemption.* The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the village in which a fee is paid.

(g) *Credit for other payments.* An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under subsection 83-2(b).

(Ord. No. 2008-13, § II, 2-4-2008)

### **Sec. 83-3. Applicable principles.**

All determinations and calculations under this chapter shall be made pursuant to generally accepted accounting principles.

(Ord. No. 2008-13, § II, 2-4-2008)

### **Sec. 83-4. No impact on other taxes due from holder.**

Nothing contained in this chapter shall be construed to exempt a holder from any tax that is or may later be imposed by the village, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A state-issued authorization shall

not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

(Ord. No. 2008-13, § II, 2-4-2008)

### **Sec. 83-5. Audits of cable/video service provider.**

(a) *Audit requirement.* The village will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the village imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recompute any amounts determined to be payable under the requirements of the village. If all local franchises between the village and cable operator terminate, the audit requirements shall be those adopted by the village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(b) *Additional payments.* Any additional amount due after an audit shall be paid within 30 days after the municipality's submission of an invoice for the sum.

(Ord. No. 2008-13, § II, 2-4-2008)

### **Sec. 83-6. Late fees/payments.**

All fees due and payments which are past due shall be governed by ordinances adopted by this municipality pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq. (Ord. No. 2008-13, § II, 2-4-2008)

### **Sec. 83-7. Severability.**

If any provision of this chapter, or the application of any provision of this chapter, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this chapter, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or

invalid provision, or application of such provision,  
is severable, unless otherwise provided by this  
chapter.  
(Ord. No. 2008-13, § II, 2-4-2008)

Chapters 84, 85

**RESERVED**



## Chapter 86

### VEGETATION\*

#### Article I. In General

- Sec. 86-1. Weeds and plants.
- Sec. 86-2. Exemptions.
- Sec. 86-3. Removal; notice.
- Sec. 86-4. Abatement; lien for cutting cost.
- Sec. 86-5. Alternatives.
- Secs. 86-6—86-30. Reserved.

#### Article II. Trees

- Sec. 86-31. Permit required for planting, trimming or removal; injuring trees or shrubs prohibited.
- Sec. 86-32. Attachment of sign or wire.
- Sec. 86-33. Interference or obstruction to streets, sidewalks or public places.
- Secs. 86-34—86-39. Reserved.

#### Article III. Fertilizer Containing Phosphorus

- Sec. 86-40. Prohibition.
- Sec. 86-41. Impervious surfaces, drainage ways, and buffer zones.
- Sec. 86-42. Exemptions.
- Sec. 86-43. Signage required.
- Sec. 86-44. Enforcement.

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\***Cross references**—Buildings and building regulations, ch. 18; planning, ch. 54; streets, sidewalks and other public places, ch. 66; subdivisions, ch. 70; required facilities and landscaping for street trees in subdivisions, § 70-402; zoning, ch. 94.





## ARTICLE I. IN GENERAL

### Sec. 86-1. Weeds and plants.

It is hereby declared to be a nuisance for any property owner within the corporate limits of the village to:

- (1) Fail to mow all weeds and customary lawn grass on any parcel of developed land improved with any building, parking lot or other permanent or temporary accessory improvements; or to permit such weeds or grass to exceed eight inches in height;
- (2) Permit weeds or grass to exceed eight inches in height on any public right-of-way immediately adjacent to any developed land; or
- (3) Fail to mow all weeds, plants and customary lawn grasses on undeveloped property, and the public right-of-way adjacent thereto, located within 200 feet of a building used for residence purposes; or to permit such weeds, plants and grass to exceed eight inches in height.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(a)), 9-13-1999)

### Sec. 86-2. Exemptions.

The requirements of this article do not apply to property actually being used for and devoted to agricultural purposes, and land designated as nature preserve, wetlands or golf course area.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(b)), 9-13-1999)

### Sec. 86-3. Removal; notice.

The village administrator, or other designated official, shall serve or cause to be served notice upon the owner or occupant of any premises on which weeds or grass is permitted to grow in violation of the provisions of this article, and to demand the abatement of the nuisance within seven days. The owner or occupant of the premises where the weeds or grass is found shall be given only one notice annually of any violation.

The notice shall be in effect for the entire growing season and no further notices are necessary to the owner or occupant.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(c)), 9-13-1999)

### Sec. 86-4. Abatement; lien for cutting cost.

(a) In all cases where the owner or person controlling the real estate on which there exists a growth of weeds or grass in violation of the foregoing sections shall fail, refuse or neglect to cut the weeds or grass or cause the weeds or grass to be cut and otherwise removed after seven days' written notice served on such owner or occupant or person controlling the real estate, the village administrator may proceed to abate such nuisance by causing the weeds or grass to be cut and removed from the property and the costs thereof shall be charged to and collected from the owner of such real estate.

(b) The cost of cutting and removing such weeds and grass shall also become a lien upon the real estate affected, until paid, superior to all other liens and encumbrances, except tax liens; provided that within 60 days after such cost is incurred, the village files notice of lien in the office of the recorder of deeds of the county. Such notice of lien shall consist of a sworn statement setting out (i) the description of the real estate sufficient for identification thereof, (ii) the amount of money representing the cost and expenses incurred or payable for the service of cutting and removing such weeds and grass, and (iii) the date or dates when such cost or expense was incurred by the village. The lien of the village shall not be valid as to any purchaser whose rights in or to such real estate have arisen subsequent to the weed cutting and prior to the filing of such notice, nor shall the lien of the village be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner or persons interested in such property after notice of lien has been filed, the lien shall be released by the village and the release of lien shall be recorded in the office of the recorder of deeds of the county.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(d)), 9-13-1999)

**Sec. 86-5. Alternatives.**

In addition to or as an alternative to the provisions of section 86-4, the village administrator or his designee may issue an ordinance violation citation, returnable in the appropriate courtroom or branch court of the Circuit Court of the 19th Judicial Circuit, Lake County, Illinois, for violation of a particular section or sections of this article. Further, and as an additional or alternate method of enforcement, the village may commence a civil proceeding to correct the offense under applicable statutory provisions.

(Ord. No. 97-97, § 1, 7-28-1997; Ord. No. 99-108, § 1(12.08(e)), 9-13-1999)

**Secs. 86-6—86-30. Reserved.****ARTICLE II. TREES****Sec. 86-31. Permit required for planting, trimming or removal; injuring trees or shrubs prohibited.**

No person shall plant, trim or remove any tree or shrub in any street or parkway or other public place without a permit therefor from the director of public works. The director of public works shall approve the species of tree to be planted. No person shall injure any tree or shrub planted in any street, parkway or public place.

(Code 1977, § 5.16)

**Sec. 86-32. Attachment of sign or wire.**

No person shall attach any sign or wire to any such tree or shrub without permission of the director of public works.

(Code 1977, § 5.16)

**Sec. 86-33. Interference or obstruction to streets, sidewalks or public places.**

No person shall permit any tree or vegetation on his property to overhang any street, sidewalk or other public place so as to interfere with the public use of such ways, or to obstruct the vision of drivers of vehicles at intersections, or to prevent a clear view of intersecting streets contrary

to the village zoning ordinance. Any dead limb of a tree overhanging a public way shall be removed by the owner of the tree.

(Code 1977, § 5.16)

**Cross reference**—Streets, sidewalks and other public places, ch. 66.

**Secs. 86-34—86-39. Reserved.****ARTICLE III. FERTILIZER CONTAINING PHOSPHORUS****Sec. 86-40 Prohibition.**

It shall be unlawful for any person to apply to any area within the village any fertilizer, whether liquid, granular, or solid, which contains any amount of phosphorus or other compound containing phosphorus, such as phosphate, except:

- (1) The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard waste or compost; or
- (2) As otherwise provided in section 86-42.

(Ord. No. 2012-70, § I, 8-6-2012)

**Sec. 86-41. Impervious surfaces, drainage ways, and buffer zones.**

It shall be unlawful for any person to apply any fertilizer to:

- (1) Impervious surfaces
- (2) Areas within drainage ditches
- (3) Waterways or within 20 feet thereof; and
- (4) Any delineated wetland and any area established as a natural buffer zone therefore.

(Ord. No. 2012-70, § I, 8-6-2012)

**Sec. 86-42. Exemptions.**

The following are exemptions to the prohibitions described in this article:

- (1) The prohibition against the use of fertilizer containing phosphorus shall not apply to turf and lawn areas for which soil tests confirm the ambient phosphorus content is below median phosphorus levels

for typical area soils. The scope of this exemption shall only be for such volume or concentration of phosphorus necessary to permit such turf or lawn area to contain phosphorus levels equal to the median phosphorus levels for typical area soils. Phosphorus applied as fertilizer pursuant to this exemption shall be integrated into the soil where it is immobilized and generally protected from loss by storm water runoff.

- (2) The prohibition against the use of fertilizer containing phosphorus shall not apply to flower beds and vegetable gardens.
- (3) The prohibition against the use of fertilizer containing phosphorus shall not apply to any farming or agricultural business, provided the use of fertilizers is related to the growth of a product or maintenance of growing fields. Appropriate steps shall be taken to integrate the fertilizer into the soil where it is immobilized and generally protected from loss by storm water runoff. This exemption shall not apply to the standard lawn area of said farm or agricultural business.

(Ord. No. 2012-70, § I, 8-6-2012)

**Sec. 86-43. Signage required.**

Any entity which sells any fertilizer in the village shall be required to post a sign or signs containing the following verbiage:

"THE VILLAGE OF GURNEE PROHIBITS THE APPLICATION OF FERTILIZER CONTAINING PHOSPHORUS TO ANY LAWN OR TURF AREA".

Such sign or signs shall be clearly readable and shall be conspicuously posted within ten feet of where the fertilizer is located.

(Ord. No. 2012-70, § I, 8-6-2012)

**Sec. 86-44. Enforcement.**

(a) The provisions of this article shall be enforced by the director of community development, or other village officer charged with enforcement of village ordinances.

(b) Any entity found to violate this article shall be fined an amount as set forth under section 32-38 for each violation.

(Ord. No. 2012-70, § I, 8-6-2012; Ord. No. 2013-40, § XV, 8-19-2013)



Chapters 87—89

**RESERVED**





## Chapter 90

### VEHICLES FOR HIRE\*

#### Article I. In General

Secs. 90-1—90-29. Reserved.

#### Article II. Public Passenger Vehicles

##### Division 1. Generally

Sec. 90-30. Purpose.  
Sec. 90-31. Definitions.  
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Sec. 90-33. Licensing and enforcement; establishment of fees.  
Sec. 90-34. Public passenger vehicle company.  
Sec. 90-35. Taxicab vehicle identification.  
Sec. 90-36. Taxicab stands.  
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##### Division 2. Licenses

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Sec. 90-67. Licenses a nonvested nonexclusive privilege.  
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Sec. 90-70. Reserved.  
Sec. 90-71. Reserved.  
Sec. 90-72. Reserved.  
Sec. 90-73. Reserved.

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\***Cross references**—Businesses, ch. 22; traffic and vehicles, ch. 78.



## ARTICLE I. IN GENERAL

**Secs. 90-1—90-29. Reserved.**

## ARTICLE II. PUBLIC PASSENGER VEHICLES

### DIVISION 1. GENERALLY

#### **Sec. 90-30. Purpose.**

The purpose of this article is to regulate public passenger vehicles for hire, in order to preserve the health and welfare of Village residents and the protection of property.

(Ord. No. 2016-49, § I, 7-25-2016)

#### **Sec. 90-31. Definitions.**

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

*Gurnee service area* means, the area within the corporate limits of Gurnee, Lindenhurst, Park City, Waukegan, North Chicago and the area (whether incorporated or unincorporated) within two miles of the corporate limits of the Village of Gurnee.

*License year* means May 1 through April 30 of each year.

*Livery vehicle* means any public passenger vehicle having a rated seating capacity of not more than seven persons, transporting passengers for hire as a result of individual contract, on a trip, or hourly basis fixed in advance; also referred to as a limousine and registered as a livery vehicle by the Secretary of State.

*Public passenger vehicle* means taxicabs and livery vehicles used for transportation of passengers for hire.

*Public passenger vehicle company* means any person engaged in business as proprietor of one or more public passenger vehicles for transportation of passengers for hire.

*Public passenger vehicle license* means a license which has been issued for a public passenger vehicle to authorize operation within the village pursuant to the provisions of this article.

*Public passenger vehicle owner* means any person having the use or control of one or more taxicabs or livery vehicles.

*Public transportation vehicle* means any privately owned first or second division motor vehicle which is intended to be used for and is maintained or operated for the nonemergency transportation of persons for compensation and any vehicle registered as a public transportation vehicle by the Secretary of State. Excludes vehicles regulated by the state commerce commission and those vehicles used to provide a shuttle bus service as defined in this chapter.

*Shuttle bus service* means bus service that provides only shuttle transportation to and from prescribed locations on a regular schedule pursuant to a designated route approved by the village.

*Taxicab* means any public passenger vehicle equipped with a taximeter and used for the carriage of passengers for hire to or from destinations as directed by such passenger and any vehicle registered as a taxicab by the Secretary of State.

*Taxicab stand* means any place, public or private, where taxicabs are placed on display and presented for hire to prospective customers, accepting such persons as may offer themselves for transportation.

*Taximeter* means any mechanical or electrical device attached to a taxicab which records and indicates a charge or fare in dollars and cents measured by distance traveled or waiting time or both.

(Code 1977, § 37.01; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008; Ord. No. 2016-49, § I, 7-25-2016)

**Cross reference**—Definitions generally, § 1-2.

#### **Sec. 90-32. Duties of taxicabs and limousines.**

Every public passenger vehicle is required to furnish clean, comfortable, and safe service.

Taxicab fares shall comply with the provisions of section 90-38. Limousines shall provide service at reasonable rates. All public passenger vehicles shall be operated in accordance with this article and all other applicable statutes, ordinances, codes, rules and regulations. (Code 1977, § 37.02; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2009-16, § I, 3-16-2009)

**Sec. 90-33. Licensing and enforcement; establishment of fees.**

(a) The licensing of taxicab operators, livery operators, public transportation operators and public passenger vehicles shall be under the control and supervision of the village administrator. The enforcement provisions of this article shall be under the control and supervision of the chief of police, including the making of any vehicle and taximeter inspections provided for by this article.

(b) The chief of police shall have the authority to appoint such persons as he may deem necessary to enforce the provisions of this article and to perform any duties assigned to the chief of police by this article.

(c) The village administrator shall have the authority to appoint such persons as he may deem necessary to perform duties that are under the control and supervision of the village administrator.

(d) The village board shall have the authority to establish fees for any license to be issued pursuant to this article. (Code 1977, § 37.03; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008; Ord. No. 2009-16, § I, 3-16-2009)

**Sec. 90-34. Public passenger vehicle company.**

(a) Every public passenger vehicle company which is licensed by the village shall operate every public passenger vehicle regularly in the village to the extent reasonably necessary so as to meet the public demand for passenger service. Every public passenger vehicle company which is licensed by the village shall be required to maintain a commercial office space within the

"Gurnee service area" as a central place of business for the purpose of receiving calls and dispatching vehicles. No more than one public passenger vehicle company may operate out of a single office space within the "Gurnee service area" unless there is common ownership of all companies utilizing the office space.

(b) Every public passenger vehicle company which is licensed by the village shall keep in operation at all times a regular telephone service land-line so that persons desiring to hire a public passenger vehicle may call the public passenger vehicle company. The owner of the public passenger vehicle company will list the telephone number in the local and regional telephone directories which are published for the village by the telephone company which furnishes local telephone service. The published telephone number for the public passenger vehicle company shall be answered at the public passenger vehicle company central office located within the "Gurnee service area".

(c) Every public passenger vehicle company which is licensed by the village shall answer all calls received for service within the corporate limits of the village as soon as possible. If service cannot be rendered within a reasonable time the company shall notify the customer of such and give the reason for the delay. It shall be unlawful for any public passenger vehicle company which is licensed by the village to refuse to accept a request for service anywhere within the corporate limits of the village at any time vehicles are available to provide the service.

(d) It is unlawful for any public passenger vehicle company which is licensed by the village to knowingly encourage or allow a vehicle to operate as a taxicab or limousine without having first obtained a public passenger vehicle license. It is unlawful for any public passenger vehicle company which is licensed by the village to knowingly encourage or allow a person to operate a taxicab or livery vehicle in violation of the provisions of this article. (Code 1977, § 37.06; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Sec. 90-35. Taxicab vehicle identification.**

(a) Every taxicab licensed in the village shall bear on both sides of the vehicle, in a color contrasting to that of the vehicle itself, the name and telephone number of the company which it serves. The lettering shall be a minimum of two inches in height and one-quarter-inch brush stroke.

(b) The identification number assigned to the taxicab by the company shall be affixed to the exterior of the vehicle on the left and right sides and on the rear of the vehicle. The identification



number must also appear in a conspicuous place in the passenger area. These numbers must be a minimum of two inches in height and one-quarter-inch brush stroke.

(c) Color identification: Each owner or association of owners of a public passenger vehicle company shall select and submit to the village administrator a distinctive color or combination of colors or designs identifiable to such owner or association to be used on their taxicab vehicles and not likely to be confused with any other owner or association. Once such color identification has been selected and approved by the village administrator, no other owner or association shall utilize a color or combination of colors or designs likely to be confused with a previously approved design. Upon approval, the owner or association shall decorate each licensed taxicab vehicle identically.

(Code 1977, § 37.07(C); Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

#### **Sec. 90-36. Taxicab stands.**

(a) The chief of police shall have the authority to create on public property, and with the permission from the owner, on private property, public passenger vehicle stands where public passenger vehicles licensed by the village may wait for passengers.

(b) The chief of police shall also have the authority to limit the number of public passenger vehicles permitted to use a public passenger vehicle stand at any given time.

(c) Rules of conduct at public passenger vehicle stands shall include, but are not limited to, the following:

- (1) Taxicabs entering a taxicab stand or line shall take the rear positions. Overcrowding taxicab stands or lines is prohibited.
- (2) The first taxicab in line shall be eligible for the first available fare, unless a passenger indicates a preference for another vehicle in that line.
- (3) No public passenger vehicle shall accept a load along side of, in front of, or adjacent to an established occupied taxicab stand.

(4) Public passenger vehicle drivers shall not sleep or lounge while posted in a public passenger vehicle stand.

(5) Livery vehicles shall not park in designated taxicab stands.

(6) Public transportation vehicles shall not park in designated taxicab stands.

(Code 1977, § 37.07(D); Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

#### **Sec. 90-37. Taximeters.**

(a) No taxicab shall be issued a village public passenger vehicle license until its taximeter is tested and certified to be accurate and sealed.

(b) No taxicab shall operate for hire in the village unless the taximeter is accurately recording the fare to be charged.

(c) The taximeter shall be located so that its face can be seen by any passenger riding in the taxicab.

(d) Adequate illumination shall be provided for the face of the taximeter so that it may be read by the passenger whenever the vehicle is in operation.

(e) No person operating or owning any taxicab shall transfer any taximeter to any other vehicle unless the meter is inspected, reprogrammed and certified at a taximeter-testing center.

(f) If a taxicab has service performed on or changes made to the transmission, any drive train component, or the size of the tire, the owner of the taxicab must have the taximeter inspected, reprogrammed and certified at a taximeter-testing center.

(g) There shall be programmed into the meter of any taxicab licensed in the village only one rate of fare. The rates shall conform to the provisions in section 90-38).

(h) It shall be unlawful to have in any taxicab more than one taximeter.

(i) It shall be unlawful to attempt to remove, tamper with, or alter a taximeter seal.



(j) Any person convicted of tampering with or otherwise manipulating a taximeter and any person found to have tampered with a taximeter seal or found with a fraudulently obtained taximeter seal will be subject to a fine as set forth in section 32-32 for the first and each subsequent offense. In addition, the public passenger vehicle driver/operator registration of such person will be revoked for a second offense.

(k) It shall be unlawful for any holder of a public passenger vehicle chauffeur's license to knowingly allow or encourage a driver working for that company to operate a taxicab that is in violation of any provision of sections 90-35 through 90-38 and 90-68 and 90-69.

(l) The chief of police shall have the authority to require that a taximeter be recertified and resealed at any time the chief of police has reason to believe that the taximeter may not be accurate or that there may have been tampering with or an unauthorized adjustment made to the taximeter.

(m) Any taxicab which has a taximeter found to be in violation of any provisions of this sections 90-35 through 90-38 may be immediately removed from service.

(Code 1977, § 37.07(E); Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008; Ord. No. 2013-40, § XVI, 8-19-2013)

**Sec. 90-38. Rates of fare for taxicabs.**

All taxicab rates of fare must be submitted on the application for license to operate within the village. Such rates must also be prominently displayed in the taxicab so they may be seen by all passengers. Any changes in rates must be submitted to the village clerk ten days prior to the effective date thereof.

(Code 1977, § 37.07(F); Ord. No. 99-42, § 1, 4-5-1999)

**Sec. 90-39. Driver requirements.**

(a) It shall be unlawful for any person to operate a public passenger vehicle for hire in the village without first having obtained a valid public passenger vehicle chauffeur's license from the village.

(b) It shall be unlawful for any person owning or controlling any public passenger vehicle to employ or permit any person to operate such vehicle for hire within the village unless the driver has a valid public passenger vehicle chauffeur's license issued by the village.

(c) Any person desiring to obtain a public passenger vehicle chauffeur's license must file a written application with the village administrator.

(d) The contents of the application shall be determined by the village administrator.

(e) Applicants must meet the following qualifications:

- (1) Be no less than 21 years of age;
- (2) Must not be afflicted with any infirmity of body or mind which may render him or her unfit for safe operation of a public passenger vehicle;
- (3) Must have a valid state driver's license;
- (4) Must not have been convicted of a Class A misdemeanor or felony charge within the last five years, or show a previous background that indicates a tendency to act in a manner that may place the public at risk;
- (5) Must not have had his/her license suspended or revoked in any state within the last three years for any violation of law concerning the operation of a motor vehicle; and
- (6) Must be able to read, write and speak the English language at a level of expertise sufficient to effectively function as a public passenger vehicle operator.

(f) The chauffeur's license applicant shall supply two photographs of the applicant, approximately two inches by two inches. The photographs must be recent, taken no more than 60 days prior to the date of application, showing the head and shoulders of the applicant in a clear and distinguishable manner.

(g) When the application is filed and its processing fee paid, the chief of police will conduct a thorough application background check. Attempt-

ing to procure a license by making a false statement, submitting false information, engaging in any form of fraud or misrepresentation, or refusing to provide complete information in response to a question in an application shall be grounds for the denial of a license. The chief of police may also conduct an examination of the applicant to determine if the applicant is familiar with traffic laws and ordinances and is otherwise competent to operate a public passenger vehicle. The content of any examination administered will be determined by the chief of police. If the applicant fails the examination, the applicant will have up to 30 days to retake the examination. If the applicant fails a second time, or fails to retake the examination within the 30-day window, the applicant will have to reapply and start the process over again, including payment of another application fee.

(h) Every person registered as a public passenger vehicle driver will be issued a photo identification chauffeur's license. The chauffeur's license shall be prominently displayed in the public passenger vehicle at all times, in plain view of the passenger.

(i) Any public passenger vehicle found being operated by a driver who has not obtained a valid public passenger vehicle chauffeur's license from the village shall be immediately removed from service.

(j) Any person who has been issued a public passenger vehicle chauffeur's license must inform the village administrator within ten days of any change of address or telephone number.

(k) A person requesting to renew a public passenger vehicle chauffeur's license shall submit an application to the village administrator prior to the date the current chauffeur's license is scheduled to expire. No public passenger vehicle chauffeur's license shall be renewed until after the chief of police has conducted a review of the renewal applicant's driving record and criminal background. No public passenger vehicle chauffeur's license will be renewed unless the chief of police and the village administrator determine that the applicant for renewal continues to meet the requirements for operating a public passenger vehicle in the village.

(l) It shall be unlawful to transfer any public passenger vehicle chauffeur's license from one person to another.

(m) A public passenger vehicle chauffeur's license may be suspended for a period not to exceed 30 days for any failure or refusal to comply with the provisions of this article. A public passenger vehicle chauffeur's license may be revoked upon a determination that said license was obtained fraudulently, or upon determination that the license owner has become physically, mentally or emotionally unfit to perform his/her duties as a public passenger vehicle chauffeur, or that there has been fraudulent use of the public passenger vehicle chauffeur's license by or with consent of the license owner.

(Code 1977, § 37.10; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Editor's note**—Ord. No. 2008-93, adopted Dec. 1, 2008, repealed § 90-39 and redesignated §§ 90-40—90-46 as §§ 90-39—90-45. Former § 90-39 pertained to public transportation vehicle identification and derived from the 1977 Code; and Ord. No. 99-42, adopted Apr. 5, 1999.

#### **Sec. 90-40. Public passenger vehicle operations.**

(a) No driver of a public passenger vehicle shall carry more than the rated passenger load for the public passenger vehicle being driven.

(b) After a public passenger vehicle has been hired by one or more persons traveling together, the driver shall not pick up other passengers without the expressed permission of the person(s) first hiring the public passenger vehicle. An appropriate sign shall be posted to indicate the restrictions on share rides.

(c) It is the duty of the driver of any public passenger vehicle licensed in the village to accept as a passenger any person who seeks service provided that the person conducts himself in an orderly manner.

(d) The driver of a public passenger vehicle shall transport his passenger to the point of destination by the most direct route available.

(e) No person shall operate a public passenger vehicle within the village who is under the influence of an intoxicating beverage or a controlled substance.

(f) No person shall operate a public passenger vehicle within the village with a blood alcohol content (BAC) above 0.00 when checked with a calibrated breath testing device.

(g) No person shall operate a public passenger vehicle with any amount of a controlled substance in their blood or urine, as determined by a blood or urine test, unless such controlled substance was prescribed by a physician and the person is not prohibited from driving while taking the prescribed dosage of medication.

(h) It shall be unlawful for any driver of a public passenger vehicle to use obscene language as defined in 720 ILCS 5/11-20(b), in the presence of any passenger.

(i) It shall be unlawful for any public passenger vehicle licensed by the village to advertise for the purpose of business or commercial uses unrelated to the public passenger vehicle company.

(j) It shall be unlawful for any public passenger vehicle which transports passengers to convey toxic, hazardous or biological waste at any time.

(k) It shall be unlawful for any public passenger vehicle driver or company to use a radio frequency scanner or scanning type radio, or any other electronic device to monitor the radio frequency of a competing company for the purpose of stealing the fares of the other company.

(l) It shall be unlawful for any public passenger driver or company representative to offer compensation to the employees of any business in the village in order to direct prospective customers to that driver or company. It shall be unlawful for any person to accept or solicit compensation from a public passenger driver or company representative in return for directing prospective customers to that driver or company.

(m) The driver of a public passenger vehicle shall be courteous to passengers, prospective passengers and other drivers at all times.

(n) If any public passenger vehicle driver violates the provisions of this section, the vehicle he is operating may be immediately removed from service.

(o) It is unlawful to transfer any public passenger vehicle license from one vehicle to another.

(p) The driver of any public passenger vehicle, while posted at any location in the village awaiting a fare, shall remain in or in close proximity to the vehicle he is operating. The driver of any public passenger vehicle may leave his vehicle unattended for a period of no longer than ten minutes.

(q) No public passenger vehicle driver shall be on duty as a driver for more than 16 of any 24 consecutive hours and no licensed owner shall permit any registered driver to be on duty for more than 16 of every 24 consecutive hours.

(r) Every public passenger vehicle driver shall obey all traffic rules and regulations established by state statute or village ordinances while driving or operating a public passenger vehicle within the village.

(s) No driver of a public passenger vehicle shall seek business by repeatedly or persistently driving his/her vehicle to and from in a short space before any theater, hotel, motel, shopping mall, or other public place or otherwise interfere with the proper and orderly access to or egress from any such place.

(t) No smoking shall be permitted inside a public passenger vehicle. Public passenger vehicles are considered "a public place" as defined in Public Act 095-0017, section 10. Every public passenger vehicle licensed by the village shall have an approved Smoke-Free Illinois "No Smoking" sign clearly and conspicuously posted within the vehicle.

(u) No public passenger vehicle owner or driver shall engage in or permit any activities within or from the public passenger vehicle which would be in violation of Gurnee Municipal Code section 46-121, keeping a place of prostitution or section 46-122, obscenity. Any vehicle found in violation of this section shall be immediately removed from service and the driver charged with the violation.

(v) Livery vehicles shall not pick up or solicit passengers for hire from the streets. Livery vehicles shall not indiscriminately accept passengers, but shall be limited in scope of operation to

carrying passengers for hire on a contract basis at a price agreed upon prior to employment and by arrangement of the parties at the time of initial telephone contact by customer to the livery company.

(w) Public transportation vehicles shall not pick up or solicit passengers for hire from the streets, shopping malls, hotels or motels within the village. Public transportation vehicles shall not operate as public passenger vehicles in the village, as defined and governed within this article.

(Code 1977, § 37.11; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008; Ord. No. 2009-16, § I, 3-16-2009)

**Editor's note**—See editor's note following § 90-39.

#### **Sec. 90-41. Fixing of rates.**

It shall be unlawful for any person, firm or corporation licensed under the provisions of this article to conspire among themselves or with other persons to fix or control rates for public passenger vehicles within the village. It is the purpose of this article to provide for free and uncontrolled rates. Any scheme, device or other subterfuge employed by any person to evade this purpose shall be deemed to be in violation of this article and grounds for revocation of the license. (Code 1977, § 37.12; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Editor's note**—See editor's note following § 90-39.

#### **Sec. 90-42. Insurance.**

(a) No person will be registered as a village public passenger vehicle driver/operator and no taxicab vehicle license, livery vehicle license or public transportation vehicle license shall be issued until all the requirements of the state laws concerning insurance issued to compensate any person who may suffer damage as a result of operation of this vehicle have been met.

(b) All applicants for licenses provided for by this article shall, as part of their application, submit proof of insurance in the amounts required by current state law.

(c) There shall be affixed on a conspicuous part of each public passenger vehicle a sticker which indicates that the vehicle has complied with the requirements of the Illinois Vehicle Code (625 ILCS 5/8-101— 5/8-116).

(Code 1977, § 37.13; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Editor's note**—See editor's note following § 90-39.

#### **Sec. 90-43. Immediate removal from service.**

(a) Where this article provides that a public passenger vehicle may be immediately removed from service, the vehicle may be removed from service by towing. If a vehicle is removed by a tow agency for infractions of this article, any and all towing fees will be the responsibility of the license holder.

(b) If a vehicle is removed from service, the owner or operator is wholly responsible for any towing and impound charges that occur, unless the chief of police determines that there was no basis for removing the vehicle from service.

(c) Any public passenger vehicle which is operated in violation or contains a condition which violates a provision of this article may be immediately removed from service.

(Code 1977, § 37.14; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Editor's note**—See editor's note following § 90-39.

#### **Sec. 90-44. Penalty.**

(a) Any person violating any provision of this article shall be fined as provided in section 1-11 for each offense. A separate offense shall be deemed committed for each day during or on which a violation occurs or continues.

(b) Upon the third or subsequent offense, the chief of police may recommend to the village administrator that a public passenger vehicle company's license be suspended or revoked.

(Code 1977, § 37.15; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Editor's note**—See editor's note following § 90-39.

#### **Sec. 90-45. Village to keep records.**

The village clerk shall keep records of any pertinent information concerning public passen-



ger vehicles and drivers or operators. These records shall be available for inspection by the public in accordance with the provisions of the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.) (Code 1977, § 37.16; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Editor's note**—See editor's note following § 90-39.

**Secs. 90-46—90-65. Reserved.**

DIVISION 2. LICENSES

**Sec. 90-66. Required.**

(a) It shall be unlawful for any person to own or operate a public passenger vehicle company within the corporate limits of the village without having first obtained a Village of Gurnee business license and a public passenger vehicle company license from the village. Each public passenger vehicle company licensed by the village shall operate a minimum of four public passenger vehicles and may operate a maximum of 45 public passenger vehicles within the village. It shall be unlawful for any person who has been issued a public passenger vehicle company license to operate less than the required four public passenger vehicles or more than the maximum number of 45, authorized by the license.

(b) It shall be unlawful for any driver to solicit business, to accept for transportation any passengers within the village boundaries, or to otherwise operate as a public passenger vehicle within the village unless the vehicle has been issued a valid village public passenger vehicle license. Any vehicle, which is operated in violation of this section, shall be subject to immediate removal from service. The vehicle driver shall also be subject to a citation and fine.

(c) The provisions of this article shall not prevent public passenger vehicles licensed by other municipalities from entering the village for the purpose of depositing passengers who were legally picked up outside the village. The provisions of this article shall not apply to public passenger vehicles, which do not stop within the village for the purpose of picking up or depositing passengers.

(d) All licenses provided for under this article shall be valid only for the license year for which or during which the license is issued.

(Code 1977, § 37.04; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008; Ord. No. 2009-16, § I, 3-16-2009)

**Sec. 90-67. Licenses a nonvested non-exclusive privilege.**

(a) The village has, as of the adoption of the provisions of this article, set no limit on the number of taxicabs or limousines which may be operated within the village. The village may from time to time determine that public convenience and necessity require a limitation on the number of taxicabs or limousines in service and licenses issued.

(b) Nothing in this article shall be construed as the granting of a vested or exclusive right to any licensee to engage in the business of operating taxicabs or limousines within the village. Every license hereunder shall be regarded only as a privilege which is afforded the person or corporation to whom it is issued and which may be modified, suspended, revoked, canceled, invalidated or otherwise voided by the village at any time.

(Code 1977, § 37.05; Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Sec. 90-68. Public passenger vehicle licenses; inspections.**

(a) Application for a public passenger vehicle license shall be made by the owner of the vehicle upon forms furnished by the village. Such application shall identify the vehicle owner and shall contain a complete description of the vehicle including make, model, year, color, state registration number, vehicle identification number, public passenger vehicle company name, and company assigned vehicle number. Also required are copies of the vehicle registration card and documentation confirming that there has been compliance with the insurance requirements of section 90-42.

(b) No public passenger vehicle license shall be issued for any vehicle that is not owned or affiliated with a public passenger vehicle company which has been licensed by the village.

(c) No public passenger vehicle shall be licensed until it has been thoroughly and carefully examined by a State of Illinois authorized inspection station, or in the absence of an authorized inspection station, an Automotive Service Excellence (A.S.E.) certified technician, and found to be in safe condition for passengers, of good appearance and well painted. Each applicant shall provide written documentation that the public passenger vehicle to be licensed has been inspected and found to be in a safe condition, as required in this section.

(d) The public passenger vehicle must also be presented to the Gurnee Police Department for an additional physical inspection, at the time of application for the public passenger vehicle license. This inspection will include but shall not be limited to the following: vehicle make, model, year and vehicle identification number, state license plate number and expiration date, odometer reading, mirrors, body damage, bumpers, headlights, taillights, registration lights, instrument panel lights, brake lights, hazard/warning lights, turn signals, doors and latches, trunk and hood, spare tire, identification markings, horn, defroster, wipers/washer, windows, front/rear floors, seats/seatbelts, gauges, rates displayed, emergency brake, tires, steering, exhaust, current emissions testing, current bond sticker, Smoke-Free Illinois "No Smoking" sign.

(e) Any public passenger vehicle that fails the inspection process must be presented for reinspection to determine if all issues causing the failure have been corrected. Any vehicle that fails an inspection will require payment of a graduated inspection fee, as provided for in the current fee schedule, for each subsequent inspection requested. It shall be the responsibility of the vehicle owner to make certain all vehicle equipment is in operating condition when presenting the vehicle for inspection.

(f) Public passenger vehicles shall also be subject to reinspection at any time. All public passenger vehicles must be safety inspected semi-annually by a State of Illinois authorized inspection station or an Automotive Service Excellence certified technician, in the absence of a state authorized inspection station. Written documentation

that the vehicle has passed the safety inspection for the current license year must be presented upon request by the chief of police or his designee.

(g) Any time a public passenger vehicle is involved in an accident that causes damage which may affect the safety of prospective passengers, it must be taken out of service immediately and repaired by an Automotive Service Excellence certified technician and/or professional auto body repair shop.

(h) The chief of police or his designee shall have the authority to immediately remove from service any public passenger vehicle that has been designated unfit for service or unsafe.

(i) The chief of police may require a public passenger vehicle to be reinspected as a result of a complaint by any person, or if the chief of police has reason to believe that the condition of the public passenger vehicle may pose a threat to the safety of its passengers or has reason to believe that the taxicab is not in compliance with the provisions of this article.

(j) Any public passenger vehicle that does not pass a safety inspection for any reason shall be immediately put out of service until the vehicle passes the safety inspection.

(k) A public passenger vehicle which fails to pass a safety inspection, or fails to undergo a safety inspection when directed to do so, or otherwise is in violation of any provision of this section may be immediately removed from service.

(l) When a public passenger vehicle is permanently removed from service by the owner, the public passenger vehicle license issued to that vehicle must be immediately surrendered to the village administrator or his designee. (Code 1977, § 37.07(A); Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

#### **Sec. 90-69. Public passenger vehicle license sticker and display.**

(a) A public passenger vehicle license issued by the village shall be in the form of an adhesive sticker which shall contain the sequential number starting at 0001, along with displaying the expiration date of the license.

(b) Public passenger vehicle licenses shall be of a distinctly different color and/or design every year. Public passenger vehicle licenses must be affixed to the lower right portion of the windshield of the vehicle for which the license has been issued.

(c) A public passenger vehicle license is not transferable to any vehicle other than the vehicle for which it has been issued.

(Code 1977, § 37.07(B); Ord. No. 99-42, § 1, 4-5-1999; Ord. No. 2008-93, § I, 12-1-2008)

**Sec. 90-70. Reserved.**

**Editor's note**—Ord. No. 2009-16, adopted Mar. 16, 2009, repealed § 90-70, which pertained to livery vehicle licenses; inspections and derived from the 1977 Code; and Ord. No. 99-42, adopted Apr. 5, 1999.

**Sec. 90-71. Reserved.**

**Editor's note**—Ord. No. 2009-16, adopted Mar. 16, 2009, repealed § 90-71, which pertained to livery vehicle license sticker and display and derived from the 1977 Code; and Ord. No. 99-42, adopted Apr. 5, 1999.

**Sec. 90-72. Reserved.**

**Editor's note**—Ord. No. 2009-16, adopted Mar. 16, 2009, repealed § 90-72, which pertained to public transportation vehicle licenses; inspections and derived from the 1977 Code; and Ord. No. 99-42, adopted Apr. 5, 1999.

**Sec. 90-73. Reserved.**

**Editor's note**—Ord. No. 2009-16, adopted Mar. 16, 2009, repealed § 90-73, which pertained to public transportation license sticker and display and derived from the 1977 Code; and Ord. No. 99-42, adopted Apr. 5, 1999.



Chapters 91—93

**RESERVED**



Chapter 94

**ZONING\***  
**(RESERVED)**

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**\*Cross references**—Any ordinance establishing zoning regulations or any rezoning specific property or any amendment thereto saved from repeal, § 1-19(a)(7); the zoning ordinance, or any amendment thereto, or any ordinance rezoning specific property saved from repeal, § 1-19(a)(19); buildings and building regulations, ch. 18; one- and two-family dwelling code, § 18-101 et seq.; planning, ch. 54; streets, sidewalks and other public places, ch. 66; subdivisions, ch. 70; vegetation, ch. 86.



## CODE COMPARATIVE TABLE

### 1977 CODE

This table gives the location within this Code of those sections of the 1977 Code, as updated through December 6, 1993, which are included herein. Sections of the 1977 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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33.27(A)—(F)	6-63	43.09	46-182
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## CODE COMPARATIVE TABLE

### ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1977 Code, as updated through December 6, 1993, which are included herein. Ordinances adopted prior to such date were incorporated into the 1977 Code, as supplemented. This table contains some ordinances which precede December 6, 1993, but which were never included in the 1977 Code, as supplemented, for various reasons. Ordinances adopted since December 6, 1993 and not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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\***Note**—The adoption, amendment, repeal, omissions, effective date, explanation of numbering system and other matters pertaining to the use, construction and interpretation of this Code are contained in the adopting ordinance and preface which are to be found in the preliminary pages of this volume.

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