

Ordinance #O.19.07

An Ordinance **ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GALENA, A MUNICIPAL CORPORATION.**

Adopted by the City Council of the City of Galena this 13th Day of May 2019.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 13th Day of May 2019.

STATE OF ILLINOIS)
) City of Galena
COUNTY OF JO DAVIESS)

CERTIFICATE

I, Mary Beth Hyde, certify that I am the duly elected municipal clerk of the City of Galena, Jo Daviess County, Illinois.

I further certify that on the 13th Day of May 2019, the Corporate Authorities of said municipality passed and approved Ordinance No. O.19.07 entitled **AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GALENA, A MUNICIPAL CORPORATION,** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O.19.07 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 14th Day of May 2019 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 14th May 2019.



Mary Beth Hyde
City Clerk

(Seal)



ORDINANCE NO. O.19.07

**AN ORDINANCE ENACTING AND ADOPTING
A SUPPLEMENT TO THE CODE OF ORDINANCES FOR
THE CITY OF GALENA, A MUNICIPAL CORPORATION**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the Fifteenth Supplement to the Code of Ordinances for the City of Galena, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Galena; and,

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Illinois Compiled Statutes; and,

WHEREAS, it is the intent of the City Council to accept these updated sections in accordance with the changes of the law of the State of Illinois; and,

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF GALENA:

Section I. That the Sixteenth Supplement to the Code of Ordinances for the City of Galena as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto be and the same is hereby adopted by reference as if set out in its entirety.

Section II. Such supplement shall be deemed published as of the day of its adoption and approval by the City Council and the Clerk of the City of Galena is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Municipal Offices of the City of Galena.

Section III. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality and shall take effect at the earliest date provided by law.

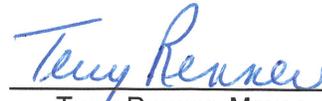
PASSED AND ADOPTED by the City of Galena on this 13th day of May 2019.

AYES: Hahn, Kieffer, McCoy, Westemeier, Allendorf, Renner

NAYS: None

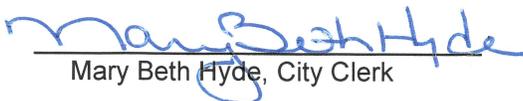
ABSENT: Bernstein

(SEAL)



Terry Renner, Mayor

ATTEST:



Mary Beth Hyde, City Clerk



**GALENA, ILLINOIS
Instruction Sheet
2019 S-17 Supplement**

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CITY OF GALENA, ILLINOIS

CODE OF ORDINANCES

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GALENA, ILLINOIS

City Officials

Mayor	Terry Renner
City Administrator	Mark Moran
City Clerk	Mary Beth Hyde
City Attorney	Joe Nack
Police Chief	Lori Huntington
Fire Chief	Randy Beadle

Alderpersons

Jerry Kieffer	Robert Hahn
Charles Fach	Christopher Allendorf
Jerry Westemeier	Pam Bernstein



ORDINANCE NO. O.18.05

**AN ORDINANCE ENACTING AND ADOPTING
A SUPPLEMENT TO THE CODE OF ORDINANCES FOR
THE CITY OF GALENA, A MUNICIPAL CORPORATION**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the Sixteenth Supplement to the Code of Ordinances for the City of Galena, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the City of Galena; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to sections of the Illinois Compiled Statutes; and

WHEREAS, it is the intent of the City Council to accept these updated sections in accordance with the changes of the law of the State of Illinois; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE CITY COUNCIL OF THE CITY OF GALENA:

Section I. That the Sixteenth Supplement to the Code of Ordinances for the City of Galena as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto be and the same is hereby adopted by reference as if set out in its entirety.

Section II. Such supplement shall be deemed published as of the day of its adoption and approval by the City Council and the Clerk of the City of Galena is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Municipal Offices of the City of Galena.

Section III. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the City of Galena on this 12th day of February, 2018.

Ayes: Fach, Hahn, Kieffer, Lincoln, Westemeier, Bernstein, Renner

Nays: None

Absent: None

\s\ Terry Renner
Terry Renner, Mayor

ATTEST:

\s\ Mary Beth Hyde
Mary Beth Hyde, City Clerk

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GENERAL PROVISIONS**§ 36.01 GENERAL POLICY.**

It is hereby declared personnel policy of the city that:

(A) Employment in the city government shall be based on merit and fitness, free of personal considerations.

(B) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the city government.

(C) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.

(D) Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic tests and evaluations.

(E) Tenure of employees covered by this chapter shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work and the availability of funds.

(F) There shall be no discrimination against any person seeking employment or employed because of any considerations of political or religious affiliation or belief, or race, sex or marital status; provided, however that no person shall be hired, promoted nor retained in employment who advocates or is a member or an affiliate of any organization that advocates the overthrow of any government of the United States or of the State of Illinois by force or violence.
(‘69 Code, § 2-148) (Ord. O-66-9, passed 5-25-66)

§ 36.02 EXCEPTIONS.

The following rules and regulations, to be known as the personnel rules and regulations for the city shall cover and apply to all personnel except the following:

(A) All elected officials and members of boards and commissions.

(B) The Mayor.

(C) Volunteer personnel and personnel appointed to serve without pay.

(D) Consultants rendering temporary professional service.

(E) Such positions involving seasonal or part time employment.

(F) The provisions of this chapter shall apply to those employees classified under the Police and Fire Civil Service Commission, except that in the event of a conflict, the civil service regulations shall take precedence and those classified employees shall be so regulated.
(‘69 Code, § 2-147) (Ord. O-66-9, passed 5-25-66)

§ 36.03 ADMINISTRATION.

The provisions of this chapter shall be administered by the Mayor as the chief administrative officer of the city. He shall appoint and remove, subject to applicable civil service provisions, if any, all employees, except elected officials, members of boards and commissions, volunteer personnel, consultants rendering temporary professional service and those officials designated for appointment by the City Council by the provisions of this code establishing the office of the Mayor.
(‘69 Code, § 2-149) (Ord. O-66-9, passed 5-25-66)

**CONDITIONS OF EMPLOYMENT, LEAVE,
AND BENEFITS; SEPARATION****§ 36.15 APPOINTMENT OF EMPLOYEES.**

(A) All appointments shall be made according to merit and fitness. When required by law or by the

Mayor, merit and fitness may be ascertained by written, oral or other examinations and shall relate to those matters which will test fairly the capacity and fitness of the candidate to discharge efficiently the duties of the position for which such examinations are held.

(B) In case of appointment to positions for which examinations are not required, the Mayor may appoint any person who meets the requirements listed in the class specifications and whom the Mayor deems qualified to perform the duties of the position.

(C) No person shall be appointed to any position covered by this chapter when such appointment would result in placing the appointee under the direct supervision of a relative. A relative shall be deemed to be a brother, sister, spouse, lineal ancestor, lineal descendant, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law or related by marriage through the relationship of cousin.
(‘69 Code, § 2-150) (Ord. O-66-9, passed 5-25-66)

34B

Galena - Administration

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the City Council of the city. (Ord. O-99-08, passed 6-14-99; Am. Ord. O-04-11, passed 5-24-04)

§ 36.71 ETHICS OFFICER.

To the extent authorized by law and to the extent required by ILCS Ch. 5, Act 425, § 35 of the Act, the City Administrator is appointed to serve as the “Ethics Officer” of the city. The Ethics Officer’s duties shall be as provided in ILCS Ch. 5, Act 425, § 35. (Ord. O-99-08, passed 6-14-99)

§ 36.72 STATE LEGISLATIVE ETHICS COMMISSION; COMPLAINTS.

All complaints for violations of the Act and this subchapter shall be filed with the State Legislative Ethics Commission (created by ILCS Ch. 5, Act 425, § 45(a)(6) of the Act). (Ord. O-99-08, passed 6-14-99)

§ 36.73 FUTURE AMENDMENTS TO STATE GIFT BAN ACT.

Any amendment to the State Gift Ban Act (ILCS Ch. 5, Act 425, §§ 1 et seq.) that becomes effective after the passage of this subchapter shall be incorporated into this subchapter by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this subchapter by reference without formal action by the corporate authorities of the city. (Ord. O-99-08, passed 6-14-99)

§ 36.74 FUTURE DECLARATION OF UNCONSTITUTIONALITY OF STATE GIFT BAN ACT.

(A) If the Illinois Supreme Court declares the State Gift Ban Act (ILCS Ch. 5, Act 425, §§ 1 et seq.) unconstitutional in its entirety, then this subchapter shall be repealed as of the date that the Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. The subchapter shall be deemed repealed without further action by the corporate authorities of the city if the Act is found unconstitutional by the Illinois Supreme Court.

(B) If the Illinois Supreme Court declares part of the State Gift Ban Act unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this subchapter shall remain in full force and effect; however, that part of this subchapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the city. (Ord. O-99-08, passed 6-14-99)

POLICY PROHIBITING SEXUAL HARASSMENT

§ 36.80 PROHIBITION ON SEXUAL HARASSMENT.

It is unlawful to harass a person because of that person’s sex. The courts have determined that sexual harassment is a form of discrimination under Title VI of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the City of Galena to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal

officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.
(Ord. O.18.16, passed 9-24-18)

§ 36.81 DEFINITION OF SEXUAL HARASSMENT.

(A) This policy adopts the definition of *SEXUAL HARASSMENT* as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

(1) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an Individual's employment;

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(2) Conduct which may constitute sexual harassment includes:

(a) Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature. Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.

(b) Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

(c) Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

(d) Textual/electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

(B) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."
(Ord. O.18.16, passed 9-24-18)

§ 36.82 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

(1) *Electronic/direct communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

(2) *Contact with supervisory personnel.*

(a) At the same time direct communication is undertaken, or In the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city administrator, or the mayor.

(a) The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

(3) *Resolution outside municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's

willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

(Ord. O.18.16, passed 9-24-18)

§ 36.83 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

(1) Disclosure or threatened disclosure of any violation of this policy;

(2) The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy; or

(3) Assistance or participation in a proceeding to enforce the provisions of this policy.

(D) For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (ILCS Ch. 5, Act 430, § 15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation;

(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or

(3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

(E) Pursuant to the Whistleblower Act (ILCS Ch. 740, Act 174, § 15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation (ILCS Ch. 740, Act 174, § 15(b)).

(F) According to the Illinois Human Rights Act (ILCS Ch. 775, Act 5, § 6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(G) An employee who is suddenly transferred to a tower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file

a retaliation charge - due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation. (Ord. O.18.16, passed 9-24-18)

§ 36.84 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT.

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the prohibition on sexual harassment contained in ILCS Ch. 5, Act 430, § 565, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

(Ord. O.18.16, passed 9-24-18)

§ 36.85 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT.

(A) A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

(B) In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

(Ord. O.18.16, passed 9-24-18)

CHAPTER 40: CITY POLICY

Section

40.01 Prevailing Wage Act adopted

§ 40.01 PREVAILING WAGE ACT ADOPTED.

(A) To the extent and as required by, "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the state, county, city or any public body or any political subdivision or by anyone under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the city is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Jo Daviess County area as determined by the Department of Labor of the State of Illinois effective as of September 1, 2017, and revised May 24, 2018 a copy of that determination being attached hereto and incorporated herein by reference. As required by said act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all Public Works construction undertaken by the city. The definition of any terms appearing in this chapter which are also used in aforesaid act shall be the same as in said act.

(B) Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the city to the extent required by the aforesaid act.

(C) The city shall publicly post or keep available for inspection by any interested party in the main office of the city this determination or any

revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

(D) The city shall mail a copy of this determination to any employer and to any association of employers and to any person or association of employees who have filed their names and addresses requesting copies of any determination stating the particular rates and particular class of workers whose wages will be affected by such rates.

(E) The city shall promptly file a certified copy of this chapter with the Department of Labor of the State of Illinois.

(F) The city shall cause to be published in a newspaper of general circulation within the area a copy of this chapter and such publication shall constitute notice that the determination is effective and that this is the determination of this public body. (Ord. O-97-04, passed 6-9-97; Am. Ord. O-98-13, passed 6-8-98; Am. Ord. O-99-7, passed 6-14-99; Am. Ord. O-00-14, passed 6-12-00; Am. Ord. O-01-09, passed 6-25-01; Am. Ord. O-02-17, passed 6-24-02; Am. Ord. O-05-17, passed 6-13-05; Am. Ord. O-07-12, passed 6-11-07; Am. Ord. O-08-12, passed 7-14-08; Am. Ord. O-09-13, passed 6-8-09; Am. Ord. O-10-17, passed 6-14-10; Am. Ord. O-11-17, passed 6-13-11; Am. Ord. O-12-14, passed 6-25-12; Am. Ord. O-13-11, passed 6-10-13; Am. Ord. O-14-08, passed 7-14-14; Am. Ord. O-15-09, passed 6-22-15; Am. Ord. O-16-09, passed 6-27-16; Am. Ord. O-17-08, passed 6-26-17; Am. Ord. O.18.12, passed 7-9-18)

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- 70.53 Lane-control signals
- 70.54 Flashing signals

- 70.55 Display of unauthorized signs, signals, markings, or advertising signs
- 70.56 Interference with official traffic control devices or railroad signs or signals
- 70.57 Unlawful use or damage to highways, appurtenances, and structures
- 70.58 Unlawful possession of highway sign or marker
- 70.59 Zones of quiet
- 70.60 No-turning signs and turning markers
- 70.61 Stop and yield signs

70.99 Penalty

Cross-reference:

Parades and assemblies, see §§ 71.120 et seq. and § 110.40

Statutory reference:

Operating low-speed bicycles, see ILCS Ch. 625, Act 5, § 11-1516

IN GENERAL

§ 70.01 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

ALLEY. A public way within a block, generally giving access to the rear of lots or buildings, and not used for general traffic circulation. (ILCS Ch. 625, Act 5, § 1-102)

AUTHORIZED EMERGENCY VEHICLE. Emergency vehicles of city departments or public service corporations as are designated or authorized by

proper local authorities; police vehicles; vehicles of the Fire Department; vehicles of a HazMat or technical rescue team authorized by a county board; ambulances; vehicles of the Illinois Department of Corrections; vehicles of the Illinois Department of Juvenile Justice; vehicles of the Illinois Emergency Management Agency; vehicles of the Office of the State Fire Marshal; mine rescue and explosives emergency response vehicles of the Department of Natural Resources; vehicles of the Illinois Department of Public Health; vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol; vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; and vehicles of a municipal or county emergency services and disaster agency, as defined by the Illinois Emergency Management Agency Act. (ILCS Ch. 625, Act 5, § 1-105)

BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels except scooters and similar devices. (ILCS Ch. 625, Act 5, § 1-106)

BUS. Every motor vehicle, other than a commuter van, designed for carrying more than ten persons. (ILCS Ch. 625, Act 5, § 1-107)

BUSINESS DISTRICT. The territory contiguous to and including a highway when within 600 feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side, or 300 feet collectively on both sides of the highway. (ILCS Ch. 625, Act 5, § 1-108)

COMMERCIAL VEHICLE. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including, a commuter van, a arrangement when being used for that purpose, or a recreational vehicle not being used commercially. (ILCS Ch. 625, Act 5, § 1-111.8)

CONTROLLED-ACCESS HIGHWAY. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street, or roadway. (ILCS Ch. 625, Act 5, § 1-112)

CROSSWALK.

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of a highway, that part of the highway included within the extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with the extension forming a right angle to the centerline of the highway;

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface, placed in accordance with the provisions in the manual adopted by the Department of Transportation as authorized in ILCS Ch. 625, Act 5, § 11-301.
(ILCS Ch. 625, Act 5, § 1-113)

DRIVER. Every person who drives or is in actual physical control of a vehicle. (ILCS Ch. 625, Act 5, § 1-116)

FARM TRACTOR. Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines, and other implements of husbandry, and every implement of husbandry which is self-propelled. (ILCS Ch. 625, Act 5, § 1-120)

GROSS WEIGHT. The weight of a vehicle, whether operated singly or in combination, without load, plus the weight of load thereon. (ILCS Ch. 625, Act 5, § 1-125)

HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (ILCS Ch. 625, Act 5, § 1-126)

IMPLEMENT OF HUSBANDRY. Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers, or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer, or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder. (ILCS Ch. 625, Act 5, § 1-130)

IMPROVED HIGHWAY. Any roadway of concrete, brick, asphalt, macadam and crushed stone, or gravel. (ILCS Ch. 625, Act 5, § 1-131)

INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 40 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway does not constitute an intersection. (ILCS Ch. 625, Act 5, § 1-132)

LANE-CONTROL SIGNAL. An official traffic-control device consisting of an electrically controlled and illuminated signal of a square or rectangular design, and employing distinctive colors or symbols used to control the direction of vehicular flow on the particular lane to which the indication applies. (ILCS Ch. 625, Act 5, § 1-135)

LANED ROADWAY. A roadway which is divided into two or more clearly marked lanes for vehicular traffic. (ILCS Ch. 625, Act 5, § 1-136)

LEASE. A written document vesting exclusive possession, use, control, and responsibility of the lessee during the periods the vehicle is operated by or for the lessee for a specific period of time. (ILCS Ch. 625, Act 5, § 1-137)

LICENSE TO DRIVE. Any driver's license or any other license or permit to operate a motor vehicle issued under the laws of this state including:

(1) Any temporary license or instruction permit;

(2) The privilege of any person to drive a motor vehicle, whether or not the person holds a valid license or permit;

(3) Any nonresident's driving privilege as defined herein. (ILCS Ch. 625, Act 5, § 1-138)

LIMOUSINE. Any privately owned first division vehicle intended to be used for the transportation of persons for-hire when the payment is not based on a meter charge but is prearranged for a designated destination. (ILCS Ch. 625, Act 5, § 1-139.1)

LOCAL AUTHORITIES. Every county, city, village, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state and each road district highway commissioner having that authority. (ILCS Ch. 625, Act 5, § 1-140)

LOW-SPEED ELECTRIC BICYCLE. A bicycle equipped with fully operable pedals and an electric motor of less than 750 watts that meets the requirements of one of the following classes:

(1) "Class 1 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

(2) "Class 2 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

(3) "Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

A **LOW-SPEED ELECTRIC BICYCLE** is not a moped or a motor driven cycle. (ILCS Ch. 625, Act 5, § 1-140.10)

LOW-SPEED GAS BICYCLE. A two- or three-wheeled device with fully operable pedals and a gasoline motor of less than one horsepower, whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. (ILCS Ch. 625, Act 5, § 1-140.15)

MAIL. To deposit in the United States mail properly addressed and with postage prepaid. (ILCS Ch. 625, Act 5, § 1-141)

MOTOR VEHICLE.

(1) Every vehicle which is self-propelled, except for vehicles moved solely by human power, motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles.

(2) For this section, **MOTOR VEHICLES** are divided into two divisions:

(a) First division: motor vehicles designed for carrying not more than ten persons.

(b) Second division: motor vehicles designed for carrying more than ten persons, those designed or used for living quarters, and those motor vehicles which are designed for pulling or carrying

freight or cargo, and those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division.

(ILCS Ch. 625, Act 5, § 1-146)

MOTOR-DRIVEN CYCLE. Every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement, including motorized pedalcycles. (ILCS Ch. 625, Act 5, § 1-145.001)

MOTORCYCLE. Every motor vehicle having a seat or saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, but excluding an autocycle or tractor. (ILCS Ch. 625, Act 5, § 1-147)

MOTORIZED PEDALCYCLE. A motor-driven cycle whose speed attainable in one mile is 30 m.p.h. or less, which is equipped with a motor that produces two brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears. (ILCS Ch. 625, Act 5, § 1-148.2)

MOTORIZED WHEELCHAIR. Any self-propelled vehicle, including a three-wheeled vehicle, designed for and used by a person with disabilities, that is incapable of a speed in excess of eight m.p.h. on level ground. (ILCS Ch. 625, Act 5, § 1-148.3)

NONCOMMERCIAL VEHICLE. Any vehicle that is not a commercial vehicle. (ILCS Ch. 625, Act 5, § 1-148.6)

NOT-FOR-HIRE. Operation of a commercial vehicle in furtherance of any commercial or industrial enterprise, but not-for-hire. (ILCS Ch. 625, Act 5, § 1-153)

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings, and devices which conform with the state manual, and not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. (ILCS Ch. 625, Act 5, § 1-154)

OWNER. A person who holds legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of the motor vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title. (ILCS Ch. 625, Act 5, § 1-155)

PARK or PARKING. The standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers. (ILCS Ch. 625, Act 5, § 1-156)

PASSENGER CAR. A motor vehicle of the first division, including a multipurpose passenger vehicle, that is designed for carrying not more than ten persons. (ILCS Ch. 625, Act 5, § 1-157)

PEDESTRIAN. Any person afoot or wearing in-line speed skates, including a person with a physical, hearing, or visual disability. (ILCS Ch. 625, Act 5, § 1-158)

PERSON WITH DISABILITIES. A natural person who, as determined by a licensed physician, by a licensed physician assistant, or by a licensed advanced practice registered nurse:

(1) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(2) Is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest;

(3) Uses portable oxygen;

(4) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association;

(5) Is severely limited in the person's ability to walk due to an arthritic, neurological, oncological, or orthopedic condition;

(6) Cannot walk 200 feet without stopping to rest because of one of the above five conditions; or

(7) Is missing a hand or arm or has permanently lost the use of a hand or arm. (ILCS Ch. 625, Act 5, § 1-159.1)

POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests and issue citations for violations of traffic regulations. (ILCS Ch. 625, Act 5, § 1-162)

PRINCIPAL PLACE OF BUSINESS. The place where any person transacts his principal business, or where he makes up and approves his payroll, maintains a central file of records, and maintains his principal executive offices. In the event that not all of these functions are performed in one place, then that place where a majority of these functions are performed, or the place where the person does in fact principally transact and control his business affairs shall be considered as the principal place of business. (ILCS Ch. 625, Act 5, § 1-162.5)

PRIVATE ROAD OR DRIVEWAY. Every way or place in private ownership, and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. (ILCS Ch. 625, Act 5, § 1-163)

RAILROAD. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails. (ILCS Ch. 625, Act 5, § 1-166)

RAILROAD-HIGHWAY GRADE CROSSING. The intersection of stationary rails owned or used in the operation of a railroad corporation across a highway. (ILCS Ch. 625, Act 5, § 1-166.1)

RAILROAD SIGN OR SIGNAL. Any sign, signal, or device, other than an official traffic-control signal or device, erected in accordance with the laws governing the same, and intended to give notice of the presence of railroad tracks or the approach of a railroad train or railroad track equipment. (ILCS Ch. 625, Act 5, § 1-167)

RAILROAD TRACK EQUIPMENT. All vehicles operated upon rails for the purpose of the maintenance of railroads including, but not limited to, all hi-rail vehicles and on-track roadway maintenance machines, as defined in 49 CFR, Part 214.7. (ILCS Ch. 625, Act 5, § 1-167.2)

RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars. (ILCS Ch. 625, Act 5, § 1-168)

RECREATIONAL VEHICLE. Every camping trailer, motor home, mini motor home, travel trailer, truck camper, or van camper used primarily for recreational purposes, and not used commercially nor owned by a commercial business. (ILCS Ch. 625, Act 5, § 1-169)

REGISTRATION. The registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles. (ILCS Ch. 625, Act 5, § 1-171)

REGISTRATION STICKER. A device to be attached to a registration plate that will renew the registration and registration plate or plates for a predetermined period, not to exceed one registration year. (ILCS Ch. 625, Act 5, § 1-171)

REMOVE. Includes removing, defacing, covering, or destroying.

RESCUE SQUAD. A voluntary association of individuals, or a fire department, dedicated to saving lives through the rescue of persons entrapped in wrecked vehicles or other hazardous circumstances, and associated with some unit of government. (ILCS Ch. 625, Act 5, § 1-171.6)

RESCUE VEHICLE. Any publicly or privately owned vehicle which is specifically designed, configured, and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well as for the emergency transportation of persons who are sick, injured, wounded, or otherwise incapacitated or helpless. (ILCS Ch. 625, Act 5, § 1-171.8)

RESIDENCE DISTRICT. The territory contiguous to and including a highway, not comprising a business district, when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business. For purposes of establishing maximum speed limits, a **RESIDENCE DISTRICT** shall be at least a quarter of a mile long with residences or residences and buildings in use for businesses spaced no more than 500 feet apart. (ILCS Ch. 625, Act 5, § 1-172)

RETAIL SALE. The act or attempted act of selling vehicles or otherwise disposing of a vehicle to a person for use as a consumer. (ILCS Ch. 625, Act 5, § 1-174)

REVOCATION OF DRIVER'S LICENSE. The termination by formal action of the secretary, of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the secretary after the expiration of at least one year after the date of revocation. (ILCS Ch. 625, Act 5, § 1-176)

RIGHT-OF-WAY. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision, unless one grants precedence to the other. (ILCS Ch. 625, Act 5, § 1-177)

ROAD TRACTOR. Every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon, either

independently or any part of the weight of a vehicle or load so drawn. (ILCS Ch. 625, Act 5, § 1-178)

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term **ROADWAY** as used herein shall refer to any such roadway separately, but not to all such roadways collectively. (ILCS Ch. 625, Act 5, § 1-179)

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians, and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (ILCS Ch. 625, Act 5, § 1-181)

SCHOOL BUS.

(1) Every motor vehicle, except as provided in division (2) below, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of the entity:

(a) A public or private primary or secondary school;

(b) A primary or secondary school operated by a religious institution; or

(c) Any public, private, or religious nursery school.

(2) This definition does not include the following:

(a) A bus operated by a public utility, municipal corporation, or common carrier authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is:

1. On a regularly scheduled route for the transportation of other fare-paying passengers;

2. Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events; or

3. Being used for shuttle service between attendance centers or other educational facilities.

(b) A motor vehicle of the First Division.

(c) A multi-function school-activity bus.

(ILCS Ch. 625, Act 5, § 1-182)

SEMITRAILER. Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed its weight and that of its load rests upon or is carried by another vehicle. (ILCS Ch. 625, Act 5, § 1-187)

SHOULDER. That portion of the highway adjacent to the roadway for accommodating stopped vehicles or for emergency use. (ILCS Ch. 625, Act 5, § 1-187.1)

SIDEWALK. That portion of a street between the curb lines, or the lateral lines of roadway and the adjacent property lines, intended for use of pedestrians. (ILCS Ch. 625, Act 5, § 1-188)

SPEED-CHANGE LANE. An auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes. (ILCS Ch. 625, Act 5, § 1-193)

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(2) When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;

(3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;

(4) Upon a roadway restricted to one-way traffic;

(5) Whenever there is a single-track paved road on one side of the public highway and two vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on the pavement to the other vehicle.

(B) Upon a two lane roadway, providing for two-way movement of traffic, a vehicle shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.

(C) Upon any roadway having four or more lanes for moving traffic, and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (A)(2). However, this division shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

(D) Upon an interstate highway or fully access controlled freeway, a vehicle may not be driven in the left lane, except when overtaking and passing another vehicle.

(E) Division (D) of this section does not apply:

(1) When no other vehicle is directly behind the vehicle in the left lane;

(2) When traffic conditions and congestion make it impractical to drive in the right lane;

(3) When snow and other inclement weather conditions make it necessary to drive in the left lane;

(4) When obstructions or hazards exist in the right lane;

(5) When a vehicle changes lanes to comply with § 71.066 and ILCS Ch. 625, Act 5, §§ 11-907.5 and 11-908;

(6) When, because of highway design, a vehicle must be driven in the left lane when preparing to exit;

(7) On toll highways when necessary to use I-Pass, and on toll and other highways when driving in the left lane is required to comply with an official traffic control device; or

(8) To law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations. (ILCS Ch. 625, Act 5, § 11-701) Penalty, see § 70.99

§ 71.041 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least ½ of the main traveled portion of the roadway as nearly as possible.

(ILCS Ch. 625, Act 5, § 11-702) Penalty, see § 70.99

§ 71.042 OVERTAKING VEHICLES ON THE LEFT.

The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this chapter:

(A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall the movement be made by driving off the pavement or the main traveled portion of the roadway.

(B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(C) The driver of a two-wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit the passing maneuver safely.

(D) The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a highway shall leave a safe distance, but not less than three feet, when passing the bicycle or individual and shall maintain that distance until safely past the overtaken bicycle or individual.

(E) A driver of a motor vehicle overtaking a bicycle proceeding in the same direction on a highway may, subject to the provisions in paragraph (D) of this section and ILCS Ch. 625, Act 5, § 11-706, pass to the left of the bicycle on a portion of the highway designated as a no-passing zone under ILCS Ch. 625, Act 5, § 11-707 if the driver is able to overtake and pass the bicycle when:

(1) The bicycle is traveling at a speed of less than half of the posted speed limit of the highway;

(2) The driver is able to overtake and pass the bicycle without exceeding the posted speed limit of the highway; and

(3) There is sufficient distance to the left of the centerline of the highway for the motor vehicle to meet the overtaking and passing requirements under this section.

(F) A person driving a motor vehicle shall not, in a reckless manner, drive the motor vehicle unnecessarily close to, toward, or near a bicyclist, pedestrian, or a person riding a horse or driving an animal drawn vehicle.

(G) Every person convicted of division (F) of this section shall be guilty of a Class A misdemeanor if the violation does not result in great bodily harm or permanent disability or disfigurement to another. If the violation results in great bodily harm or permanent disability or disfigurement to another, the person shall be guilty of a Class 3 felony, to be prosecuted under appropriate state law.
(ILCS Ch. 625, Act 5, § 11-703) Penalty, see § 70.99

§ 71.043 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

(A) The driver of a vehicle with three or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle;

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(B) The driver of a two-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight feet. This division (B) does not apply to devices propelled by human power.

(C) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. Such movement shall not be made by driving off the roadway.
(ILCS Ch. 625, Act 5, § 11-704) Penalty, see § 70.99

§ 71.044 LIMITATIONS ON OVERTAKING ON THE LEFT.

(A) *Passing on the left.*

(1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter, and unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction, or any vehicle overtaken.

(2) In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.
(ILCS Ch. 625, Act 5, § 11-705)

(B) *Conditions where passing on the left is prohibited.*

(1) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the

driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(b) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(2) The limitations in division (B)(1) above do not apply upon a one-way roadway, nor upon a roadway with unobstructed pavement of sufficient width for two or more lanes of moving traffic in each direction, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway when the movements can be made with safety.
(ILCS Ch. 625, Act 5, § 11-706) Penalty, see § 70.99

§ 71.045 MEETING OR OVERTAKING SCHOOL BUS.

(A) The driver of a vehicle shall stop the vehicle before meeting or overtaking, from either direction, any school bus stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils. The stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in ILCS Ch. 625, Act 5, §§ 12-803 and 12-805. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(B) The stop signal arm required by ILCS Ch. 625, Act 5, § 12-803 shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(C) The alternately flashing red signal lamps of an eight-lamp flashing signal system required by ILCS Ch. 625, Act 5, § 12-805 shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in division (D) below.

(D) (1) The alternately flashing amber signal lamps of an eight-lamp flashing signal system required by ILCS Ch. 625, Act 5, § 12-805 shall be actuated continuously during not less than the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area, and during not less than the last 200 feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(2) The alternately flashing head lamps permitted by ILCS Ch. 625, Act 5, § 12-805 may be operated while the alternately flashing red or amber signal lamps required by that section are actuated.

(E) The driver of a vehicle upon a highway having four or more lanes which permits at least two lanes of traffic to travel in opposite directions need not stop the vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop the vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross. (ILCS Ch. 625, Act 5, § 11-1414) Penalty, see § 70.99

§ 71.046 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.

(A) Upon a roadway designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices.

(B) A vehicle passing around a rotary traffic island must be driven only to the right of the island.

(C) Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any dividing space, barrier, or section except through an opening in the physical barrier, or dividing section, or space, or at a cross-over or intersection as established by public authority.

(D) The driver of a vehicle may turn left across a paved noncurbed dividing space unless prohibited by an official traffic-control device. (ILCS Ch. 625, Act 5, § 11-708) Penalty, see § 70.99

§ 71.047 NO-PASSING ZONES.

(A) The City Council is authorized to determine those portions of any highway within the city where overtaking and passing or driving on the left of the roadway would be especially hazardous, and may by appropriate signs or markings on the roadway indicate the beginning and end of the zones, and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(B) Where signs or markings are in place to define a no-passing zone as set forth in division (A) no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(C) This section does not apply under the conditions described in § 71.040 (A)(2), § 71.042(E), nor to the driver of a vehicle turning left into or from an alley, private road, or driveway. The pavement striping designed to mark the no-passing zone may be crossed from the left-hand lane for the purpose of

completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel.

(ILCS Ch. 625, Act 5, § 11-707) Penalty, see § 70.99

§ 71.048 DRIVING ON ROADWAYS LANED FOR TRAFFIC.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(A) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(B) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(C) Official traffic-control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device. Drivers must obey lane designation signing except when it is necessary to use a different lane to make a turning maneuver.

(D) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.
(ILCS Ch. 625, Act 5, § 11-709) Penalty, see § 70.99

RIGHT-OF-WAY

§ 71.060 VEHICLES APPROACHING OR ENTERING INTERSECTION.

When two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right. This rule may be modified at through highways or streets and where otherwise inconsistent with the provisions of this traffic code.

(ILCS Ch. 625, Act 5, § 11-901) Penalty, see § 70.99

§ 71.061 VEHICLE TURNING LEFT.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but the driver, having so yielded, may proceed as soon as a safe interval occurs.

(ILCS Ch. 625, Act 5, § 11-902) Penalty, see § 70.99

§ 71.062 VEHICLES ENTERING STOP CROSSWALK.

Where stop signs or flashing red signals are in place at an intersection, or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk, and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

(ILCS Ch. 625, Act 5, § 11-903) Penalty, see § 70.99

§ 71.063 VEHICLE ENTERING STOP OR YIELD INTERSECTION.

(A) Preferential right-of-way at an intersection may be indicated by stop or yield signs.

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway, or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but the driver, having so yielded, may proceed as soon as a safe interval occurs.

(C) The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(D) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, the collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

(ILCS Ch. 625, Act 5, § 11-904) Penalty, see § 70.99

§ 71.064 MERGING TRAFFIC.

Notwithstanding the right-of-way provision in § 71.060, at an intersection where traffic lanes are provided for merging traffic, the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.

(ILCS Ch. 625, Act 5, § 11-905) Penalty, see § 70.99

§ 71.065 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.

The driver of a vehicle about to enter or cross a highway from an alley, building, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

(ILCS Ch. 625, Act 5, § 11-906) Penalty, see § 70.99

§ 71.066 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

(A) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this chapter, or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection, and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in that position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(B) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

CHAPTER 72: PARKING REGULATIONS

Section

General Regulations

- 72.01 General parking regulations
- 72.02 Use of street between sidewalk and curb
- 72.03 Limited time of parking zones
- 72.04 No parking signs required
- 72.05 Unattended motor vehicles
- 72.06 Stopping, standing or parking prohibited in specified places
- 72.07 Stopping, standing or parking outside business or residence district
- 72.08 Unauthorized use of parking spaces reserved for persons with disabilities

Parking During Snow Plowing and Removal

- 72.15 Emergency declared
- 72.16 Parking prohibited during certain hours
- 72.17 Vehicles interfering with removal of snow
- 72.18 Placement of signs prohibiting parking; duty of Superintendent of Streets
- 72.19 Removal of unlawfully parked vehicles
- 72.20 Notice of removal
- 72.21 Cost of removal

Parking Lots

- 72.35 Application of provisions
- 72.36 Time limitation for parking vehicles
- 72.37 Parking lots divided into specific areas; violations
- 72.38 Vehicles to park within marked spaces
- 72.39 Unlawful to display vehicles in lots for purpose of selling

- 72.40 Lease or rental of parking stalls
- 72.41 Unlawful to park on city street with expired registration

Administration and Enforcement

- 72.50 Additional violations
- 72.51 Police to enforce
- 72.52 Ticketing of violations; payment in lieu of penalty
- 72.53 Where payment made
- 72.54 Handling of funds
- 72.55 Failure to make timely payment
- 72.56 Removal of vehicles from streets under certain circumstances; recovery of vehicle
- 72.57 Duty of lessor of vehicle on notice of violation of this chapter

- 72.99 Penalty

GENERAL REGULATIONS

§ 72.01 GENERAL PARKING REGULATIONS.

(A) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(B) Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches

of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(C) No angle parking shall be permitted except as set forth by ordinance.

(D) No person shall park in violation of signs placed by and under the jurisdiction of the state Department of Transportation which prohibit, limit, or restrict the stopping, standing, or parking of vehicles on any highway.
(ILCS Ch. 625, Act 5, § 11-1304)

(E) No vehicle shall be stopped or parked on a roadway in such a manner that blocks the roadway and interferes with the free movement of traffic thereon.
(Ord. O-99-20, passed 12-13-99) Penalty, see § 72.99

§ 72.02 USE OF STREET BETWEEN SIDEWALK AND CURB.

No person shall use the street or the area between the sidewalk and the curb or roadway for storage purposes. Any vehicle parked in the area described in this paragraph for a period of longer than 48 hours shall constitute the using of the street for storage purposes.
(‘69 Code, § 20-13) (Ord. O-72-4, passed 2-8-72) Penalty, see § 72.99

§ 72.03 LIMITED TIME OF PARKING ZONES.

The city may establish limited time of parking zones. Loading zones will be designated by white paint on the curb; no parking zones will be designated by red paint on the curb; all zones are to be conspicuously posted in addition to the paint designations. The Mayor may have lines or markings painted on the curbs and streets designating parking spaces and each vehicle parked shall park within said

lines or markings. It shall be unlawful for any person to park any vehicle across any such line or marking.
(‘69 Code, § 20-2) (Ord. O-69-9, passed 7-14-69; Am. Ord. O-71-13, passed 7-12-71; Am. Ord. O-06-28, passed 10-9-06)

Cross-reference:

Parking time limited in specified locations, see Chapter 79, Schedule II

§ 72.04 NO PARKING SIGNS REQUIRED.

The city shall post no parking zones by conspicuously placing appropriate signs on the streets designated.
(‘69 Code, § 20-6) (Ord. O-68-3, passed 6-4-68) Penalty, see § 72.99

Cross-reference:

No parking zones specified, see Chapter 79, Schedule I

§ 72.05 UNATTENDED MOTOR VEHICLES.

Except for a law enforcement officer or an operator of an authorized emergency vehicle performing his or her official duties, no person driving or in charge of a motor vehicle shall permit it to stand unattended without stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway. An unattended motor vehicle shall not include an unattended locked motor vehicle with the engine running after being started by a remote starter system.
(ILCS Ch. 625, Act 5, § 11-1401) Penalty, see § 72.99

§ 72.06 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer, or an official traffic-control device, no person shall:

Parking Regulations

36A

(1) Stop, stand, or park a vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

36B

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CHAPTER 73: MOTORCYCLES, BICYCLES AND TOY VEHICLES

Section

BICYCLE REGULATIONS

Bicycle Regulations

- 73.01 Traffic laws apply to persons riding bicycles
- 73.02 Riding on bicycles
- 73.03 Clinging to vehicles
- 73.04 Riding on roadways and bicycle paths
- 73.05 Carrying articles
- 73.06 Lamps and other equipment on bicycles
- 73.07 Lamps on mopeds
- 73.08 Riding on mopeds
- 73.09 Additional bicycle regulations

Registration of Bicycles

- 73.20 Registration required
- 73.21 Application; fee
- 73.22 Inspection of bicycles by Chief of Police
- 73.23 Identification tag or license plate; to be affixed to bicycle
- 73.24 Cancellation of registration
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Skateboards; Rollerblades

- 73.30 Skateboards, roller skates, roller skis, scooters and roller blades

Motorcycles

- 73.40 Riding on motorcycles
- 73.41 Special equipment for persons riding motorcycles, motor driven cycles or mopeds
- 73.42 Required equipment on motorcycles
- 73.43 Operating a motorcycle, motor driven cycle, or moped on one wheel

§ 73.01 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.

Every person riding a bicycle upon a highway shall be granted all of the rights, including, but not limited to, rights under provisions of this traffic code, and shall be subject to all of the duties applicable to the driver of a vehicle by this traffic code, except as to special regulations in this traffic code, and those provisions of this traffic code which by their nature can have no application.
(ILCS Ch. 625, Act 5, § 11-1502) Penalty, see § 70.99

§ 73.02 RIDING ON BICYCLES.

(A) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling.
(ILCS Ch. 625, Act 5, § 11-1503) Penalty, see § 70.99

§ 73.03 CLINGING TO VEHICLES.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.
(ILCS Ch. 625, Act 5, § 11-1504) Penalty, see § 70.99

§ 73.04 RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) Any person operating a bicycle or motorized pedalcycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under the following situations:

(1) When overtaking and passing another bicycle, motorized pedalcycle, or vehicle proceeding in the same direction; or

(2) When preparing for a left turn at an intersection or into a private road or driveway; or

(3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedalcycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this division (A)(3), a ***SUBSTANDARD WIDTH LANE*** means a lane that is too narrow for a bicycle or motorized pedalcycle and a vehicle to travel safely side by side within the lane; or

(4) When approaching a place where a right turn is authorized.

(B) Any person operating a bicycle or motorized pedalcycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of the roadway as practicable. (ILCS Ch. 625, Act 5, § 11-1505)

(C) Persons riding bicycles or motorized pedalcycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for their exclusive use. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane subject to the provisions of divisions (A) and (B) above. (ILCS Ch. 625, Act 5, § 11-1505.1)
Penalty, see § 70.99

§ 73.05 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times.

(ILCS Ch. 625, Act 5, § 11-1506) Penalty, see § 70.99

§ 73.06 LAMPS AND OTHER EQUIPMENT ON BICYCLES.

(A) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear of a type approved by the state Department of Transportation which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle, except that a lamp emitting a steady or flashing red light visible from a distance of 500 feet to the rear may be used in addition to or instead of the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold the bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector conforming to specifications prescribed by the state Department of Transportation, on each pedal, visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. The reflectors shall be visible from each side of the bicycle from a distance of 500 feet, and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle. The requirements of this division may be met by reflective materials which shall be at

CHAPTER 76: EQUIPMENT; LOADS

Section

Equipment

- 76.01 Scope and effect of equipment requirements

Loads

- 76.10 Scope and effect of size, weight, and load regulations
- 76.11 Projecting loads on passenger vehicles
- 76.12 Protruding members of vehicles
- 76.13 Spilling loads prohibited
- 76.14 Pushing of disabled vehicles
- 76.15 Prohibition of the use of mechanical exhaust braking devices in the city

(B) The provisions of ILCS Ch. 625, Act 5, §§ 12-100 et seq., with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, or to farm-wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and used only for the transportation of bulk fertilizer, or to farm-wagon type tank trailers of not to exceed 2,000 gallons capacity, used during the liquid fertilizer season as field-storage "nurse tanks," supplying the fertilizer to a field applicator and highways only for bringing the fertilizer to a field applicator from a local source of supply to the farm or field or from one farm or field to another.

(ILCS Ch. 625, Act 5, § 12-101) Penalty, see § 70.99

EQUIPMENT

§ 76.01 SCOPE AND EFFECT OF EQUIPMENT REQUIREMENTS.

(A) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in an unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with the lamps and other equipment in proper condition and adjustment as required in ILCS Ch. 625, Act 5, §§ 12-100 et seq., or which is equipped in any manner in violation of ILCS Ch. 625, Act 5, §§ 12-100 et seq., or for any person to do any act forbidden or fail to perform any act required under ILCS Ch. 625, Act 5, §§ 12-100 et seq.

LOADS

§ 76.10 SCOPE AND EFFECT OF SIZE, WEIGHT, AND LOAD REGULATIONS.

(A) It is unlawful for any person to drive or move on, upon, or across, or for the owner to cause to knowingly permit to be driven or moved on, upon, or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in ILCS Ch. 625, Act 5, §§ 15-100 et seq., or otherwise in violation of ILCS Ch. 625, Act 5, §§ 15-100 et seq.

(B) The provisions of ILCS Ch. 625, Act 5, §§ 15-100 et seq. governing size, weight, and load do not apply to equipment for snow and ice removal operations owned or operated by the city, or to implements of husbandry temporarily operated or

towed in a combination upon a highway provided such combination does not consist of more than three vehicles or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than three wagons being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit. Except for weight limits on Class I highways under ILCS Ch. 625, Act 5, §§ 15-100 et seq., the provisions of this code governing size, weight, and load do not apply to fire apparatus or emergency vehicles.

(C) (1) The provisions of ILCS Ch. 625, Act 5, §§ 15-100 et seq. governing size, weight and load do not apply to any snow and ice removal equipment that is more than 12 feet in width, if the equipment displays flags at least 18 inches square mounted on the driver's side of the snow plow.

(2) These vehicles must be equipped with an illuminated rotating, oscillating or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the top of the cab and of sufficient intensity to be visible 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the rear of the load and of sufficient intensity to be visible at 500 feet in normal sunlight.
(ILCS Ch. 625, Act 5, § 15-101)

(D) No person shall use the highways under the jurisdiction of the city in violation of weight and location restrictions and commercial vehicle restrictions set forth in any applicable ordinance.
Penalty, see § 70.99

Statutory reference:

Power of city to regulate loads, see ILCS Ch. 65, Act 5, § 11-40-1

§ 76.11 PROJECTING LOADS ON PASSENGER VEHICLES.

No passenger-type vehicle shall be operated on any street with any load carried thereon extending

beyond the line of the fenders on the left side of the vehicle, nor extending more than six inches beyond the line of the fenders on the right side thereof.
(ILCS Ch. 625, Act 5, § 15-105) Penalty, see § 70.99

§ 76.12 PROTRUDING MEMBERS OF VEHICLES.

No vehicle with boom, arm, drill rig, or other protruding component shall be operated upon the highway unless the protruding component is fastened so as to prevent shifting, bouncing, or moving in any manner.
(ILCS Ch. 625, Act 5, § 15-106) Penalty, see § 70.99

§ 76.13 SPILLING LOADS PROHIBITED.

(A) No vehicle shall be driven or moved on any street unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(B) No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(C) The state Department of Transportation shall adopt those rules and regulations it deems appropriate which require the securing of steel rolls and other objects on flatbed trucks so as to prevent injury to users of highways and damage to property. Any person who operates a flatbed truck on any highway in violation of the rules and regulations promulgated by the state Department of Transportation under this division shall be punished as provided in § 70.99.
(ILCS Ch. 625, Act 5, § 15-109) Penalty, see § 70.99

CHAPTER 78: TRAFFIC SCHEDULES

Schedule

- I. Speed restrictions
- II. Stop intersections
- III. Yield intersections
- IV. One-way streets
- V. Gross weight limitations
- VI. Prohibited traffic

SCHEDULE I. SPEED RESTRICTIONS.

It shall be unlawful for a driver of a motor vehicle to travel the following enumerated streets at a speed in excess of the designated limit set forth below:

<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>
Bench Street	From Meeker Street to Spring Street	20 m.p.h.
Broadway Street	For its entire distance within the city	20 m.p.h.
Commerce Street	From Warren Street to Franklin Street	20 m.p.h.
Dewey Avenue	From Shear Street to West Street	20 m.p.h.
Franklin Street	From Commerce Street to 512 Franklin Street	20 m.p.h.
Franklin Street	From Dodge Street to Hill Street	25 m.p.h.
Gear Street	From Sumner Street to Highway 20	30 m.p.h.
Gear Street	From Water Street to West Street	20 m.p.h.
Gear Street	From West Street to Sumner Street	25 m.p.h.
Kelly Lane	For the entire distance thereof	15 m.p.h.

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<i>Street</i>	<i>Location</i>	<i>Speed Limit</i>
Main Street	From Spring Street to Meeker Street	20 m.p.h.
Meeker Street	From Main Street to North Dodge Street	15 m.p.h.
Young Street	From Hickory to North Division Street	15 m.p.h.
All other streets in the city except those streets under the jurisdiction of the County Board		25 m.p.h.

('69 Code, § 20-91) (Ord. O-69-9, passed 7-14-69; Am. Ord. O-73-15, passed 10-9-73; Am. Ord. O-73-17, passed 10-23-73; Am. Ord. O-00-26, passed 10-9-00; Am. Ord. O-08-18, passed 9-22-08; Am. Ord. O-17-16, passed 11-27-17) Penalty, see § 70.99

SCHEDULE VI. PARKING ZONES FOR PERSONS WITH DISABILITIES.

The following are hereby declared to be handicapped and disabled parking zones:

<i>Street/Address</i>	<i>Location</i>
Bench Street	West side, in front of 302 North Bench Street
Bench Street (125 South Bench Street)	West side
Bench Street (236 South Bench Street) one space	East side, across from funeral home
Bench Street	West side, one space in front of 513 South Bench from 9:00 a.m. to noon on Sundays only
Bench Street	West side, two spaces in front of 106 North Bench from 8:30 a.m. to noon on Sundays only
123 North Commerce Street	In front of Old Market House
100 South Commerce Street	West side, behind Coatsworth Building
300 South Commerce	East side, in front of Post Office
Between Water and Commerce Street (2 spaces)	On south side of Post Office
Dewey Avenue (458 Dewey Avenue)	East side
High Street	At an appropriate location on the west side, immediately east of St. Mary's Church and as close to the intersection of Franklin Street and High Street as is practically feasible
100 North Main Street	East side
201 North Main Street	First space on east side
201 South Main Street	West side
300 South Main Street	West side
200 North Water Street	East side
300 South Water Street	East side
500 South Water Street	East side
Market House Drive	Two spaces just north of the restrooms

('69 Code, § 20-5.4) (Ord. O-89-34, passed 12-11-89; Am. Ord. O-90-05, passed 2-26-90; Am. Ord. O-90-09, passed 4-9-90; Am. Ord. O-01-10, passed 6-25-01; Am. Ord. O-04-15, passed 6-30-04; Am. Ord. O-04-20, passed 9-27-04; Am. Ord. O-05-13, passed 5-23-05; Am. Ord. O-06-24, passed 8-28-06; Am. Ord. O-06-26, passed 9-11-06; Am. Ord. O-06-28, passed 10-9-06; Am. Ord. O-10-27, passed 12-13-10; Am. Ord. O-11-09, passed 2-28-11; Am. Ord. O.18.18, passed 11-13-18) Penalty, see §§ 72.52 and 72.99

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(4) The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers, or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited.

(5) Except for property appurtenant to and obviously a part of a single-family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

(a) 1. Except as provided in division (G)(5)(b) below, the notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within five feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

2. As an alternative to the requirement of division (G)(5)(a) above, the notice for a parking lot contained within property used solely for a two-family, three-family, or four-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

(b) The notice must indicate clearly, in not less than two-inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

(c) The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

(d) The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than four feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

(6) Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the police department a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this section. The towing and storage charges, however, shall not exceed the maximum allowed by the Illinois Commerce Commission under ILCS Ch. 625, Act 5, § 18a-200.

(7) No person shall engage in the removal of vehicles from private property as described in this section without filing a notice of intent in the city, and such notice shall be filed at least seven days before commencing such towing.

(8) No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

(9) Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

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(10) Except as authorized by a law enforcement officer, no towing service shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate by operating the vehicle under its own power on a highway.

(11) When a vehicle has been towed or removed pursuant to this section, it must be released to its owner, custodian, agent, or lienholder within one-half hour after requested, if such request is made during business hours. Any vehicle owner, custodian, agent, or lienholder shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(a) This section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

(b) When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost of removal, transportation, and storage, any damages resulting from the removal, transportation, and storage, attorney's fee, and court costs.

(c) Any towing or storage charges accrued shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle.

(12) Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this chapter will be impounded

or otherwise stored, and shall adequately cover loss by fire, theft, or other risks. Any person or company who violates this requirement shall be fined not less than \$100 nor more than \$500.

(H) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to ILCS Ch. 65, Act 5, § 11-40-3.1 or ILCS Ch. 55, Act 5, § 5-12002.1, its removal and impoundment by a towing service may be authorized by the Police Department.

(I) When a vehicle is removed as set forth herein, the owner of the vehicle shall be responsible for all towing and storage charges. Vehicles may become subject to a lien as set forth in ILCS Ch. 625, Act 5, § 4-203(g) for unpaid charges. (ILCS Ch. 625, Act 5, § 4-203(a) - (g))

(J) When an abandoned, lost, stolen, or unclaimed vehicle comes into the temporary possession or custody of a person in this city not the owner of the vehicle, that person shall immediately notify the Police Department. Upon receipt of such notification, the police will authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, and maintain a record of the tow as set forth in division (I) below until the vehicle is claimed by the owner or other person legally entitled to possession thereof or until it is disposed of as provided in this chapter. (ILCS Ch. 625, Act 5, § 4-202)

(K) When a vehicle is authorized to be towed away as provided in this section:

(1) The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(2) The Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, license plate year and number,

applicant and to report in writing within 60 days to the Liquor Commissioner as to the applicant's character and qualifications. No license shall be issued until such report has been completed and filed with the Liquor Commissioner. A fee, in addition to the license fee to be set by the City Council from time to time, shall be charged for the investigation. ('69 Code, § 3-5)

(B) 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 as provided by statute, and to examine or cause to be examined, the books and records of any such applicant or licensees; to hear testimony and take proofs for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner under this section, he may authorize his agent to act on his behalf, as provided by statute. ('69 Code, § 3-8) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-05-01, passed 1-24-05; Am. Ord. O-10-06, passed 3-8-10)

§ 111.19 TERM OF LICENSE; PRORATING FEE.

Each such license shall terminate on the last day of April next following the date of issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license; and shall be paid in full prior to the issuance of the license and not later than April 30 in the case of a license issued as of May 1. ('69 Code, § 3-6) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-74-20, passed 12-19-74; Am. Ord. O-78-10, passed 10-9-78; Am. Ord. O-11-01, passed 1-10-11; Am. Ord. O-11-26, passed 11-14-11)

§ 111.20 CLASSES OF LICENSES; LICENSE FEES.

Every person, firm or corporation engaged in the retail sale of alcoholic liquor in the city shall pay an

initial license fee and an annual license fee. The initial license fee shall be in addition to the annual fee, of an amount equal to five times the annual fee, and nonrefundable. The following shall not be subject to an initial liquor license fee: (1) one who on May 23, 2011 was a liquor licensee in the city; (2) one who is a father, mother, brother, sister, husband, wife, son or daughter of a liquor licensee or a deceased licensee, provided that the license of the licensee has first been canceled and so canceled for not more than 15 days prior to the filing of a new application for the same licensed business.

Any sale, transfer, or assignment of more than 50% of the shares of a corporation shall terminate the liquor license for the purpose of payment of a fee for an initial liquor license. Any bankruptcy, insolvency of a liquor licensee, any sale, transfer or assignment of any copartner or copartnership or copartnership interest in a license held by a copartnership shall terminate the license for the purpose of payment of a fee for an initial liquor license.

The annual licenses shall be divided into classes described below. All regulations that are part of this chapter shall apply in the same manner and degree as they apply to all other classes of licenses described herein, except that Class "E" licenses shall be issued directly by the Liquor Control Commissioner.

(A) Class "A" license shall authorize the retail sale of alcoholic liquor for consumption on the premises specified in the license as well as for consumption off the premises. It shall be unlawful for such licensee to sell alcoholic liquor for consumption on or off the premises between the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case such sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time.

(B) Class "B" license shall authorize the retail sale of alcoholic liquor as well as beer and ale in package form, but not for consumption on the premises. It shall be unlawful for such licensee to sell alcoholic liquor between the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case such sales shall not be made between the hours of

2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time. Notwithstanding anything to the contrary above, licensee may conduct product sampling for consumption on the premises specified in the license subject to (a) such free product sampling shall be limited to serving any one consumer in any one day no more than one-quarter ounce of distilled spirits, one ounce of wine, or two ounces of beer; and (b) licensee may offer for sale and serve more than one drink per person for sampling purposes as long as the total quantity consumed by any one person does not exceed one ounce of distilled spirits, four ounces of wine, or 16 ounces of beer.

(C) Class "C" license shall be issued only to a "club" as defined in ILCS Ch. 235, Act 5, § 1-3.24 and such license shall authorize the sale of alcoholic liquor at retail to the members and bona fide guests of members of the licensed club for consumption on the premises specified in the license as well as for consumption off the premises. It shall be unlawful for such licensee to sell alcoholic liquor for consumption on or off the premises between the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case such sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time.

(D) Class "D" license shall authorize the retail sale of alcoholic liquor for consumption on the premises as well as for consumption off the premises by restaurants or hotels, whose principal business as defined in this chapter is not the retail sale of alcoholic beverages. It shall be unlawful for such licensee to sell alcoholic liquor for consumption on or off the premises between the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case such sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time.

(E) Class "E" license shall be known as a "One Day License". No more than one such license shall be issued for a particular time period. Applicants shall be legally recognized religious, charitable or

not-for-profit organizations, or an accredited organization organized for non-pecuniary purposes acceptable to the Liquor Commissioner, or the possessor of a Class "A", "B", "C" or "D" license issued by the city and subject to the same investigation as provided in this chapter as are the applicants for the other classes of licenses. Such licenses shall be issued only in connection with a fair, carnival, street dance, bazaar, picnic, reception, outing or similar event. Such event shall be the principal reason for the gathering or other event, and the consumption of alcoholic liquor shall be incidental thereto. All alcoholic liquor consumption authorized by the license hereunder shall be consumed within the limits of the licensed area. All beer and wine shall be dispensed in returnable or disposable glass bottles, cups or cans and adequate and suitable containers shall be provided for disposable of same. The sale of wine and alcoholic liquor in Turner Hall shall be authorized only by the glass or in another container which is not the original container in which said wine or alcoholic liquor is manufactured or stored. The city, county or state police shall have full access to all areas within the licensed premises and the Liquor Commissioner, Chief of Police or any city police officer may, at his or her sole discretion and judgment, order the sale, dispensing and consumption of beer, wine or alcoholic liquor in Turner Hall halted if, in his or her opinion, any of the provisions of this chapter is being violated and the public peace is likely to be endangered by the keeping open of the premises licensed hereunder. All regulations that are part of this chapter shall apply in the same manner and degree as they apply to all other classes of licenses described herein.

This license shall authorize the retail sale of beer and wine in a place other than a completely enclosed building between the hours of 12:00 noon and 10:00 p.m. on Saturdays, Sundays and holidays and between 5:00 p.m. and 10:00 p.m. Monday through Friday inclusive. Sales shall be authorized only in a specified, enclosed or fenced in area as clearly set forth in the license application so that the general public and law enforcement officers can easily determine the limits of such area.

reception, a musical event or similar special gathering. A permanent bar with seating shall not be permitted under the Class "Q" license. Packaged sales are not permitted. The licensee shall be authorized to sell beer and wine between the hours of 12:00 noon and 10 p.m. The annual license fee shall be set by the City Council from time to time.

('69 Code, § 3-9) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-92-26, passed 7-27-92; Am. Ord. O-94-14, passed 8-8-94; Am. Ord. O-95-25, passed 5-8-95; Am. Ord. O-97-07, passed 12-8-97; Am. Ord. O-99-10, passed 6-28-99; Am. Ord. O-00-08, passed 3-13-00; Am. Ord. O-00-09, passed 3-27-00; Am. Ord. O-00-10, passed 3-27-00; Am. Ord. O-02-19, passed 7-8-02; Am. Ord. O-05-31, passed 9-26-05; Am. Ord. O-06-08, passed 4-24-06; Am. Ord. O-10-06, passed 3-8-10; Am. Ord. O-11-01, passed 1-10-11; Am. Ord. O-11-04, passed 1-10-11; Am. Ord. O-11-15, passed 5-23-11; Am. Ord. O-11-19, passed 6-27-11; Am. Ord. O-12-02, passed 3-12-12; Am. Ord. O-12-19, passed 8-27-12; Am. Ord. O-12-29, passed 12-26-12; Am. Ord. O-13-03, passed 3-25-13; Am. Ord. O-13-12, passed 6-24-13; Am. Ord. O-17-09, passed 7-10-17; Am. Ord. O-17-10, passed 7-10-17; Am. Ord. O.18.13, passed 8-27-18)

§ 111.21 PAYMENT OF FEES.

All fees for such licenses shall be paid to the Liquor Commissioner or his authorized agent and turned over to the Treasurer for deposit in the General Corporate Fund.

('69 Code, § 3-10) (Ord. O-71-3, passed 4-12-71)

§ 111.22 LIMITATION ON NUMBER.

There shall be no more than eight Class "A" licenses issued. There shall be no more than eight Class "B" licenses issued. There shall be no more than two Class "C" licenses issued. There shall be no more than four Class "F" licenses issued. There shall be no more than two Class "H" licenses issued. There shall be no more than two Class "I" licenses issued. There shall be no more than three Class "J" licenses issued. There shall be no more than two Class "O"

licenses issued. There shall be no more than two Class "P" licenses issued. There shall be no limitation on the number of Class "D," "E," "K," "L," "M" or "Q" licenses issued.

('69 Code, § 3-12) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-90-08, passed 4-9-90; Am. Ord. O-93-04, passed 1-25-93; Am. Ord. O-92-15, passed 6-8-92; Am. Ord. O-97-08, passed 12-12-97; Am. Ord. O-02-01, passed 1-14-02; Am. Ord. O-05-30, passed 8-22-05; Am. Ord. O-11-19, passed 6-27-11; Am. Ord. O-12-19, passed 8-27-12; Am. Ord. O-12-29, passed 12-26-12; Am. Ord. O-17-09, passed 7-10-17)

§ 111.23 DISPOSITION OF FEES.

All such fees shall be paid to the city to the Liquor Control Commissioner or his authorized agent at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the City Council by proper action. No license fee shall be refunded by the city except when the license applied for is denied as herein provided, or except as hereinafter provided in § 111.25.

('69 Code, § 3-21) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-75-6, passed 6-26-74)

§ 111.24 LIST OF LICENSES ISSUED.

The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him.

('69 Code, § 3-22) (Ord. O-71-3, passed 4-12-71)

§ 111.25 TRANSFER OF LICENSES.

A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as in this chapter provided, and shall not constitute property, nor shall it be subject to

attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that 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 the 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 annual 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.

('69 Code, § 3-23) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-11-15, passed 5-23-11)

§ 111.26 RENEWAL OF LICENSE.

Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Liquor Control Commissioner from decreasing the number of licensees to be issued within his jurisdiction.

('69 Code, § 3-24) (Ord. O-71-3, passed 4-12-71)

§ 111.27 CHANGE OF LOCATION.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permission to make such change issued by the Mayor. No change of

location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinances of the city.

('69 Code, § 3-25) (Ord. O-71-3, passed 4-12-71)
Penalty, see § 111.99

§ 111.28 REVOCATION, SUSPENSION OF LICENSE.

The Mayor may suspend for not more than 30 days (ILCS Ch. 235, Act 5, § 4-4) or revoke for cause any liquor dealer's license for any violation of any provision pertaining to the sale of alcoholic liquor, as provided and in the manner provided in ILCS Ch. 235, Act 5, § 7-5.

('69 Code, § 3-32) (Ord. O-71-3, passed 4-12-71)

§ 111.29 NEW CONSTRUCTION.

(A) The City Council may enter into any agreement with an applicant for a Class "D" license for a hotel as defined in this chapter as is deemed by the City Council to be necessary and proper regardless of other limitations as to permitted number of licenses that may be issued, for the issuing of such a license, where such applicant has applied for a building permit, and has filed plans and specifications for the construction of the hotel by a licensed architect or licensed structural engineer and has shown evidence of an ability to proceed and complete the construction according to the permit plans within a two-year period from the date of issuance of the building permit. Any such agreement shall require of such applicant the

CHAPTER 138: WEAPONS

Section

Deadly Weapons

- 138.01 Unlawful use of weapons
- 138.02 Exemptions
- 138.03 Unlawful possession of firearms and firearm ammunition
- 138.04 Confiscation and disposition of weapons

Statutory reference:

Firearms and ammunition registration, ILCS Ch. 430, Act 65, §§ 0.01 through 16.3
Boarding aircraft with weapons, ILCS Ch. 720, Act 545, §§ 0.01 through 7

DEADLY WEAPONS

§ 138.01 UNLAWFUL USE OF WEAPONS.

(A) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Discharges or fires, in any part of the city, any cannon, gun, pistol, bow and arrow, crossbow, slingshot, or other firearm, subject to the exemptions in § 138.02.

(2) Carries or possesses with intent to use the same 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) Carries 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 non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older;

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this division (A)(4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(a) Are broken down in a non-functioning state; or

(b) Are not immediately accessible; or

(c) Are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(d) Are carried or possessed in accordance with the Firearm Concealed Carry Act (ILCS Ch. 430, Act 66) by a person who has been issued a currently valid license under the Firearm Concealed Carry Act; or

(5) Sets a spring gun;

(6) Carries or possesses 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

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where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted; or

(7) Sells, manufactures, purchases, possesses or carries:

(a) A machine gun, which shall be defined for the purposes of this division (A)(7) as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person;

(b) Any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or

(c) 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

(8) (a) Carries or possesses 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.

(b) This division (A)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he is hooded, robed or masked in such manner as to conceal his identity; or

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate city limits, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, or taser or other firearm, except that this subsection does not apply to or affect transportation of weapons that meet one of the following conditions:

(a) Are broken down in a non-functioning state; or

(b) Are not immediately accessible; or

(c) Are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(d) Are carried or possessed in accordance with the Firearm Concealed Carry Act (ILCS Ch. 430, Act 66) by a person who has been issued a currently valid license under the Firearm Concealed Carry Act.

(11) Sells, manufactures, or purchases any explosive bullet. **EXPLOSIVE BULLET** shall mean 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. **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 the tube between the projectile and the cap.

(12) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. **BILLY CLUB** means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material.

(B) A **STUN GUN** or **TASER**, as used in division (A), means:

(1) Any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(2) Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.

(ILCS Ch. 720, Act 5, § 24-1(a), (b)) (Am. Ord. O.18.10, passed 6-11-18) Penalty, see § 130.99

Statutory reference:

For provisions concerning or possession of weapons on school or university grounds (all of which are felonies), see ILCS Ch. 720, Act 5, § 24-1(c)(2)

§ 138.02 EXEMPTIONS.

(A) §§ 138.01(A),(1),(3), (4), (10) and (13) do not apply to or affect any of the following:

(1) Peace officers or any person summoned by a peace officer to assist in making arrests or preserving the peace while actually engaged in assisting the officer.

(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions

for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and place of employment.

(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 duty.

(4) Special agents employed by a railroad or a public utility to perform police functions or guards of armored car companies while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a private security contractor, private detective, or private alarm contractor, or employee of a licensed private security contractor, private detective, or private alarm contractor agency and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the private security contractor, private detective, or private alarm

contractor, or employee of the licensed private security contractor, private detective, or private alarm contractor agency at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to that commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force registered with the Department of Professional Regulation; provided, that the security guard has successfully completed a course of study, approved by and supervised by the state Department of Professional Regulation consisting of not less than 40 hours of training which shall include theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be in compliance with this section who has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm control card by the state Department of Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Such firearm control card shall be carried by the security guard at all times when he is in possession of a concealable weapon permitted by his or her firearm control card.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in § 138.01(A)(3) while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution as a security guard for the protection of other employees and property related to that financial institution, while actually engaged in the performance of their duties, commuting between their homes and

places of employment, or traveling between sites or properties owned or operated by the financial institution, and who, as a security guard, is a member of a security force registered with the Department; provided that any person so employed has successfully completed a course of study, approved by and supervised by the state Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption who has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm control card by the state Department of Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card. For purposes of this division, *FINANCIAL INSTITUTION* means a bank, savings and loan association, credit union, or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to ILCS Ch. 20, Act 2910, §§ 0.01 et seq.

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to ILCS Ch. 725, Act 210, §§ 1 et seq.

(12) Special investigators appointed by a State's Attorney under ILCS Ch. 55, Act 5, § 3-9005.

(13) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed.

(14) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(15) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(16) Manufacture, transportation, or sale of weapons to persons authorized under (A)(1) through (15) of this section to possess those weapons.

(17) The discharge of firearms with blank rounds by the members of any military organization when on parade or in ceremony and in accordance with the command of the commanding officer, the discharge of firearms, including cannons, with blank rounds as part of a historical re-enactment or celebration authorized by the City of Galena, or by any city officer or other person in the discharge of any legal duty or necessary and lawful act done in a proper and careful manner.

(ILCS Ch. 720, Act 5, § 24-2(a))

(18) Archery hunting, including the use of crossbow, as part of a city council approved archery hunting program intended to control the white tail deer population. Archery hunting must be carried out in accordance with the laws and rules of the State of Illinois and the City of Galena.

(B) Section 138.01(A)(1) does not apply to the purchase, possession, or carrying of a black-jack or slung-shot by a police officer. (ILCS Ch. 720, Act 5, § 24-2(d))

(C) Section 138.01(A)(8) does not apply to any owner, manager, or authorized employee of any place specified in that division or to any law enforcement officer. (ILCS Ch. 720, Act 5, § 24-2(e))

(D) Sections 138.01(A)(11) and 138.03(A)(6) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bona fide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordnance.

(4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by division (D)(1) above, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer. (ILCS Ch. 720, Act 5, § 24-2(g))

(E) An information or indictment based upon a violation of any provision of this subchapter need not negative any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption. (ILCS Ch. 720, Act 5, § 24-2(h))

(F) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license with the state or the federal government where such transportation, carrying, or possession is incident to the lawful transportation in

which the common carrier is engaged. Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm not the subject of and regulated by ILCS Ch. 720, Act 5, § 24-1(a)(7) or division (B) of this section above, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by the possessor of a valid firearm owner's identification card. (ILCS Ch. 720, Act 5, § 24-2(i))

(G) Each violation of this section is punishable under § 130.99 and under appropriate state law. (Am. Ord. O.18.10, passed 7-11-18)

Statutory reference:

For similar provisions under state law, see ILCS Ch. 720, Act 5, § 24-2

§ 138.03 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

- (1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;
- (2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession;
- (3) He is a narcotic addict and has any firearms or firearm ammunition in his possession;
- (4) He has been a patient in a mental institution within the past five years and has any firearms or firearm ammunition in his possession. For the purposes of this division (A)(4), **MENTAL INSTITUTION** means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness. **PATIENT IN A MENTAL INSTITUTION** means the person was admitted, either voluntarily or involuntarily, to a

mental institution for mental health treatment unless the treatment was voluntary and solely of an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness;

(5) He is a person with an intellectual disability and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet. For the purposes 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. **CARTRIDGE** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 130.99. Unlawful possession of handguns is a felony punishable under appropriate state law. (ILCS Ch. 720, Act 5, § 24-3.1) Penalty, see § 130.99

§ 138.04 CONFISCATION AND DISPOSITION OF WEAPONS.

Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized may be confiscated by the trial court for further disposition consistent with state law. (ILCS Ch. 720, Act 5, § 24-6)

EXTERIOR ARCHITECTURAL APPEARANCE. The architectural and general composition of the exterior of a structure, including, but not limited to the kind, color, and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

HISTORIC DISTRICT. The area designated as a National Historic District by the United States Department of the Interior and adopted by ordinance by the city. The area is commonly described as the "original city" and recorded as the city limits in the Courthouse of Jo Daviess County, State of Illinois, on March 28, 1838, and all subdivisions added to the city prior to December 31, 1859.

IMPROVEMENT. Any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earth work, or other man-made object constituting a physical betterment of real property.

NATIONAL HISTORIC DISTRICT. See **HISTORIC DISTRICT.**

OWNER OF RECORD. The person, corporation, or other legal entity listed as the owner on the records of the County Recorder of Deeds.

PRESERVATION. The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work including preliminary measures to protect and stabilize the property, generally focus upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

RECONSTRUCTION. The act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION. The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

REMOVAL. Any relocation of a structure on its site or to another site.

REPAIR. Any change that does not require a building permit, that is not construction, relocation or alteration.

RESTORATION. The act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within the restoration project.

SITE. Any parcel of real property within the National Historic District.

STRUCTURE. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, swimming pools, satellite dishes, solar panels and wind generation.

STRUCTURAL CHANGE. Any change or repair in the supporting members of a building, structure, roof, or exterior walls which would expand the building in height, width, or bulk of the building.

(D) *Exemptions.* A certificate of appropriateness shall not be required in connection with:

(1) Applications for permits not involving any alteration to the exterior features of a structure.

(2) Permits necessary for compliance with a lawful order of the city, including any permit necessary to correct an immediate health or safety problem.

(Ord. O-97-01, passed 1-27-97; Am. Ord. O-06-23, passed 8-14-06) Penalty, see § 151.99

§ 151.24 GALENA HISTORIC PRESERVATION COMMISSION (GHPC).

(A) *Establishment.* There is hereby created a Historic Preservation Commission (HPC) for the purposes of carrying out the objectives and provisions enumerated in this section and to review and advise the Building Official on site plans and construction proposals in the Historic District and to review and advise the Building Official on the issuance of certificates of appropriateness in the Historic District.

(B) *Powers and duties.* The GHPC shall:

(1) Assist and advise the Building Official, the City Council, other city officials and departments and county and state agencies as may be necessary in matters involving the Historic District and sites, structures and improvements therein.

(2) Advise owners of property in the Historic District on methods of preservation as per the Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings.

(3) Upon request, review and make recommendations to the Building Official regarding variations and amendments in the Historic District.

(4) Promote the preservation of the historic sites, improvements and structures in the Historic District and make recommendations to the City Council on methods to accomplish same.

(5) Assist the Building Official in maintaining an ongoing survey of potential local landmarks and adopt procedures to nominate them.

(C) *Composition of the GHPC.* The GHPC shall consist of at least five members nominated by the Mayor and appointed by the City Council. All members shall be qualified by training, education, experience or activity in historic preservation matters generally and with the Historic District specifically. The term of service of members of the GHPC shall be two years. Initially, however, three members shall be appointed for a two-year term and two members for a one-year term. Any vacancies shall be filled by the Mayor, subject to conformation by the City Council, for the unexpired term. Members may be removed by the City Council for cause after written charges have been filed and after a hearing has been held, if requested by the member so charged. One of the members of the GHPC shall be designated by the Mayor as chairperson and shall hold the office until a successor is appointed. A quorum shall be one more than half of the GHPC. Decisions shall be by majority vote of the members present. A member of the GHPC may not vote on a matter involving property in the Historic District in which the member has a legal or equitable ownership interest.

(D) *Meetings.* The GHPC shall meet twice a month from May through September but only once a month from October through April. Written notice must be given to all applicants with the notice to state time and place of the meeting in which their application will be reviewed by the GHPC.

(1) *Application.* Each person intending to demolish a historic structure larger than 100 square feet in floor area and within the Historic District shall file a certificate of appropriateness application with the Building Official or Board Secretary. The application shall be on a form provided by the city.

(2) *Notice of demolition request.* An application for a certificate of appropriateness to demolish a historic structure larger than 200 square feet in ground area and within the Historic District shall require a public notice of the meeting to be published in a newspaper of general circulation in the city with the notice to state the time and place of the meeting, the purpose of the meeting and a brief

description of property or properties under consideration at such meeting. The notice shall be published at least 15 but not more than 30 days prior to the hearing. Notice shall also be mailed at least 15 but not more than 30 days before the date of the hearing to all owners of property within 250 feet excluding public streets, roads or alleys, of the property affected by the demolition request.

(3) *Filing fee required.* An application for the demolition of a structure in the Historic District shall be accompanied by a filing fee as established by the City Council.

(4) *Public meetings.* All meetings shall be open to the public at which time a public hearing will be held regarding the properties under consideration. Consistent with city ordinances and state statutes the Galena Historic Preservation Commission may adopt rules and regulations to govern the procedures of such meetings and the proper administration and enforcement of its duties pursuant to this section.

(5) *Demolition of a non-historic structure.* Approval of an application for a certificate of appropriateness to demolish a non-historic structure within Historic District shall be at the discretion of the planning department and approved by the mayor. The structure in question shall be, without a reasonable doubt, built after 1930 as determined by the planning department. All supporting evidence shall be reviewed by the planning department and mayor before approval. If the date of construction cannot be determined, the certificate of appropriateness shall be reviewed by the Historic Preservation Commission as stated in § 151.24 (D)(1) through (4).
(Ord. O-97-01, passed 1-27-97; Am. Ord. O-06-23, passed 8-14-06; Am. Ord. O.18.17, passed 11-13-18)

**§ 151.25 APPLICATION REQUIREMENTS;
REVIEW AND APPROVAL.**

(A) *Application.* Prior to requesting a building permit, an applicant in the Historic District shall submit an application for a certificate of appropriateness on a form provided by the city. The

application shall include but not be limited to a site plan, drawn to scale showing location of proposed construction, floor plan showing existing conditions and proposed changes, elevations - all exterior views, current photographs showing all elevations of the building and existing conditions, historic photographs if available, a list of materials including product sources and color description.

(B) *Coordination.* If a site plan and/or zoning approval is required pursuant to §§ 154.245 through 154.248 of this chapter, the review and approval process for the certificate of appropriateness shall be coordinated to the maximum extent possible, with the review and approval process for the site plan and/or zoning application so that all aspects of the proposed activity are considered at one time by both the GHPC and the Zoning Board of Appeals.

(C) *Submission, review and approval.*

(1) Upon receipt of an application for a certificate of appropriateness, the Building Official and GHPC Board Secretary shall determine if the proposed construction is of a major or minor alteration.

(a) Types and kinds of improvements to be considered minor:

1. Painting and other related exterior maintenance.
2. Addition or deletion of awnings, shutters, canopies, and similar appurtenances.
3. Application or use of exterior materials of the same kind, type, color, or texture already in use on that structure which substantially cover one or more sides of the structure. This provision applies to roofing as well as siding.
4. Repair or replacement of existing architectural details with materials of the same kind, type, color, texture and design as those already in use on the structure.

For minor alterations, the certificate of appropriateness need only be approved by the Building Official and Board Secretary.

(b) Types and kinds of improvements considered major:

1. Construction of a new building or auxiliary structure.

2. Any addition to or alteration of an existing structure which increases the square footage in that structure or otherwise alters its size, height, contour, or outline.

3. Change or alteration of a structures architectural style.

4. Alteration of a roof line.

5. Demolition of any structure or portion of a structure.

For major alterations, the certificate of appropriateness must be submitted to the GHPC for review in accordance with this ordinance. The GHPC shall return its decision to the Building Official and Board Secretary within 30 days following receipt of the application.

(2) The Building Official shall grant the certificate, deny the certificate, or grant the certificate with conditions.

(3) If the application is approved without conditions a certificate of appropriateness shall be issued.

(4) If the application is approved with conditions, the Building Official shall notify the applicant in writing and shall specify the conditions to be imposed and the reasons therefore in light of the standards and criteria of the National Historic District. If the applicant accepts all of the conditions or takes no other action, such approval, with conditions, shall be effective and a certificate of appropriateness shall issue. If the applicant notifies the Building Official in

writing within 30 days of the date of such approval with conditions of his refusal to accept all of the conditions, the application shall be deemed to be denied.

(5) If the certificate is denied, the Building Official or Board Secretary shall notify the applicant in writing and shall specify the particulars in which the application is inconsistent with the standards and criteria of the National Historic District.

(6) Any person aggrieved by a ruling of the GHPC may appeal the decision to the City Council.

(D) *Appeals and review.*

(1) *Timing of appeal.* Such appeal shall be undertaken within 30 days to the City Council by filing with the GHPC Secretary a notice of appeal specifying the ground thereof, together with such plats and exhibits as are reasonably necessary. Such appeals shall be made on forms provided by the Building Official. The GHPC Secretary shall forthwith transmit to the Building Official all of the papers constituting the record upon which the action appealed was taken.

(2) *Powers of the City Council.* The City Council may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision, or determination appealed from, to the extent and in the manner that the City Council may decide to be fitting and proper on the premises and to that end the City Council shall also have all the powers of the officer from whom the appeal was taken.

(3) *Reversal of an order.* The concurring vote of a majority of the City Council shall be necessary to reverse any order, requirement, decision, or determination of the Building Official or to decide in favor of the applicant any matter upon which:

(a) Applicants claiming economic hardship shall be required to attempt to obtain reasonable financing, tax incentives, preservation grants or other incentives sufficient to allow a reasonable use of or return on the property.

(b) An applicant for a certificate of economic hardship shall submit all of the following information in order to assist the authorized by this subchapter to render decisions:

1. Notwithstanding any of the provisions of this subchapter to the contrary, the City Council may issue a certificate of economic hardship to allow the performance of work for which a certificate of appropriateness has been denied. The City Council in making its determination on the application shall consider:

a. The amount paid for the property, the date of purchase and the party from whom purchased (including a description of the

Galena - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-13-04	4-22-13	Annexing 33.71 acres in East Galena Township.
O-13-16	11-12-13	Annexing 2.20 acres, a split parcel 43-13-000-075-000.
O-15-08	4-14-15	Amending annexation agreement previously entered into for a development known as Cobblestone Crossing.
O-15-15	12-28-15	Annexing 4.08 acres (Tract 1: Route 20 West and Tract 2: 10850 Route 20 West).
O-16-08	6-13-16	Authorizing execution of amendment to annexation agreement for Gateway Park Subdivision.
O-16-11	7-25-16	Rescinding 2011 annexation agreement and Ord. O-11-22, passed 8-22-11 for The Palace Campground.
O-16-14	9-13-16	Annexing 0.717 acres in East Galena Township.
O-16-17	8-9-16	Annexing 31.88 acres of territory on US Highway 20 on the west side of the Galena River in Rawlins Township commonly known as the Palace Campground.
O-16-18	8-9-16	Annexing agreement with Patrick McCarthy and Kristine McCarthy for a 31.88 acre parcel commonly known as the Palace Campground.
O.17.12	9-25-17	Annexing 0.57 acres in East Galena Township, commonly known as 9538 U.S. Highway 20 West.
O.18.07	3-26-18	Annexing 20.84 acres in Rawlins Township, consisting of two parcels, of 4.458 and 16.382 acres, owned by Donald Wiene.

Galena - Table of Special Ordinances

TABLE V: INTERGOVERNMENTAL CONTRACTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-91-01	1-11-91	Approving membership in the Illinois Municipal League Risk Management Association and authorizing the execution of an intergovernmental cooperation contract
O-97-10	12-8-97	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-98-23	12-14-98	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-99-15	11-16-99	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-00-41	11-27-01	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-01-18	11-12-01	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-02-31	11-11-02	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-03-37	10-13-03	Authorizing the execution of the IMLRMA intergovernmental cooperation contract.
O-03-38	11-10-03	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-14-17	11-10-14	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-15-03	3-9-15	Approving an intergovernmental agreement for mutual aid and assistance in law enforcement.
O.17.15	11-13-17	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O.18.19	11-13-18	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.

TABLE VI: REAL ESTATE TRANSACTIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-94-15	8-10-94	Transfer of real property.
O-99-02	1-25-99	Accepting certain real improvements in the Indian Ridge Subdivision to the city.
O-03-33	8-8-03	Accepting certain real improvements in the Galena Square Subdivision of the city.
O-05-10	4-25-05	Authorizing agreement with Louie's Trenching Service, Inc. purchase property related to Phase 7 of the Downtown Redevelopment Project.
O-05-11	4-25-05	Authorizing agreement with Mooring Farms and Construction to purchase property adjacent to Winery Parking lot on South Main Street.
O-05-22	7-11-05	Authorizing agreement with Louie's Trenching Service, Inc. purchase property related to Phase 7 of the Downtown Redevelopment Project.
O-05-23	7-11-05	Authorizing agreement with Mooring Farms and Construction to purchase property adjacent to Winery Parking lot on South Main Street.
O-13-14	10-28-13	Approving the purchase of real estate in part of Blocks 6 and 11, Young's Addition for street right-of-way.
O-13-15	11-12-13	Approving the purchase of real estate at 11410 Rt. 20 West for a Fire Department training facility.
O-14-07	6-9-14	Accepting the donation of property from Habitat for Humanity of Jo Daviess County, Inc.

Galena - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-16-15	10-12-16	Authorizing the sale of municipally owned real estate for the City of Galena.
O-16-24	12-13-16	Authorizing the sale of certain personal and real property known as the Coatsworth Property, owned by the city.
O-17-05	5-23-17	Authorizing the sale of municipally owned personal property.
O.18.11	7-9-18	Approving the purchase of real estate, being a 30,000 square foot parcel owned by Joseph Meyer Associates, a trustee for Jo Daviess County, located East of Galena River Block 11, Lots 10, 11, 12, and pt Lot 9.

TABLE VII: VACATIONS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-92-20	6-22-92	Street vacation
O-92-21	6-22-92	Street vacation
O-92-27	7-27-92	Street vacation
O-92-33	12-14-92	Street vacation
O-93-51	9-27-93	Street vacation
O-94-05	3-28-94	Street vacation
O-94-08	5-23-94	Street vacation
O-94-16	8-24-94	Street vacation
O-98-19	10-26-98	Vacation of the northerly one-half of that portion of Barry St. located between Ridge St. and Hill St. in Friel and Townsend's Addition.
O-98-20	10-26-98	Vacation of the southerly one-half of that portion of Barry St. located between Ridge St. and Hill St. in Friel and Townsend's Addition.
O-00-02	2-24-00	Vacation of a portion of Bluff Street between Jo Daviess Street and West Street.
O-00-07	2-28-00	Vacation of a portion of Third Street lying northeast of Adams Street.
O-00-33	11-13-00	Vacation of a portion of West Street and a portion of Harrison Street.
O-02-26	10-14-02	Vacation of a portion of Jefferson Street lying between Fourth Street and Bluff Street.
O-03-04	2-24-03	Vacation of a portion of Shear Street adjacent to Lot 22 on the west side of the Galena River.

Galena - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-03-10	4-28-03	Vacation of a 30-foot by 160-foot section of Meeker Street adjacent to Lot 3 in Block 22 on the west side of the Galena River.
O-04-21	9-27-04	Vacation of part of High Street in HH Gear's Addition.
O-05-06	4-11-05	Vacation of a portion of South Prospect Street on the west side of the Galena River.
O-07-27	11-12-07	Vacation of a portion of Locust Street.
O-08-15	9-8-08	Vacation of a portion of Jefferson Street.
O-09-04	2-23-09	Vacation of a portion of South Prospect Street.
O-09-16	7-27-09	Vacation of an alley intersecting with Dodge Street.
O-10-25	11-8-10	Vacation of a portion of Harrison Street.
O-10-26	12-13-10	Vacation of a portion of High Street.
O-11-08	2-28-11	Vacation of a part of High Street in HH Gear's Addition to the city.
O-12-18	8-27-12	Vacation of a portion of an unnamed alley between S. High and S. Dodge Streets.
O-13-13	11-25-13	Vacation of a part of Branch Street, Elm Street, Slaughter Street, and an unnamed right-of-way.
O-14-14	10-27-14	Vacation of a portion of Third Street.
O-15-01	1-26-15	Vacation of a portion of Ridge Street.
O-16-06	5-9-16	Vacation of a portion of Gardner Street.
O.18.15	9-10-18	Vacation of a portion of Franklin Street.

TABLE IX: ZONING MAP AMENDMENTS

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-91-08	5-13-91	Zoning map amendment
O-91-22	12-9-91	Zoning map amendment
O-92-13	5-26-92	Zoning map amendment
O-92-29	8-14-92	Zoning map amendment
O-93-25	2-22-93	Zoning map amendment
O-93-56	11-22-93	Zoning map amendment
O-94-02	1-24-94	Zoning map amendment
O-94-10	6-13-94	Zoning map amendment
O-99-05	4-12-99	Zoning map amendment
O-99-22	12-13-99	Zoning map amendment
O-00-23	9-25-00	Zoning map amendment
O-00-38	11-27-00	Zoning map amendment
O-01-06	5-14-01	Zoning map amendment
O-01-07	5-14-01	Zoning map amendment
O-01-27	12-26-01	Zoning map amendment
O-02-22	8-18-02	Zoning map amendment
O-02-30	10-28-02	Zoning map amendment
O-03-34	9-22-03	Zoning map amendment
O-03-35	9-22-03	Zoning map amendment
O-03-36	9-22-03	Zoning map amendment

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O-03-41	11-10-03	Zoning map amendment
O-04-03	1-26-04	Zoning map amendment
O-07-15	6-25-07	Zoning map amendment
O-07-17	6-25-07	Zoning map amendment
O-07-21	7-23-07	Zoning map amendment
O-07-26	10-22-07	Zoning map amendment
O-08-17	9-8-08	Zoning map amendment
O-10-28	12-13-10	Zoning map amendment
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O-11-24	8-22-11	Zoning map amendment
O-11-30	12-12-11	Zoning map amendment
O-11-34	12-27-11	Zoning map amendment
O-12-03	3-26-12	Zoning map amendment
O-12-13	6-25-12	Zoning map amendment
O-14-12	9-22-14	Zoning map amendment
O-15-16	12-28-15	Zoning map amendment
O-16-10	7-25-16	Zoning map amendment
O-17-06	6-27-17	Zoning map amendment
O-17-11	7-25-17	Zoning map amendment
O.17.14	10-23-17	Zoning map amendment
O.18.06	3-26-18	Zoning map amendment
O.18.08	3-26-18	Zoning map amendment
O.18.14	8-27-18	Zoning map amendment

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O.17.13	9-25-18	Authorizing the sale of municipally owned personal property, being 30 wood, collapsible, round, banquet tables.
O.17.17	12-11-17	Levying taxes for all corporate purposes for the city for the fiscal year beginning May 1, 2018 and ending April 30, 2019.
O.18.01	1-22-18	Abating certain taxes heretofore levied by the city for the 2010 sewer bonds.
O.18.02	1-22-18	Abating certain taxes heretofore levied by the city for the 2012A bonds.
O.18.03	1-22-18	Abating certain taxes heretofore levied by the city for the 2012B bonds.
O.18.04	1-22-18	Abating certain taxes heretofore levied by the city for the Palace Campground.
O.18.09	5-14-18	Authorizing the sale of municipally owned personal property, being aerial ladder truck, and four hanging interior light fixtures.
O.18.20	11-26-18	Authorizing the city to borrow funds from the Public Water Supply Loan program.

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