Ordinance #O.17.02

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 23rd Day of January 2017.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 23rd Day of January 2017.

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, JoDaviess County, Illinois.

I further certify that on the 23rd Day of January 2017, the Corporate Authorities of said municipality passed and approved Ordinance No. O.17.02 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.17.02 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 23rd Day of January 2017 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 24th Day January 2017.

Mary Beth Hyde
City Clerk

(Seal)

ORDINANCE NO. O-17-02

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 Fifteenth 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 23rd day of January, 2017.

AYES:	NAYS:	ABSENT:
Fach, Kieffer, Lincoln, Westemeier, Renner	None	Hahn

(SEAL)

Terry Renner

Terry Renner, Mayor

ATTEST:

Mary Beth Hyde

Mary Beth Hyde, City Clerk

GALENA, ILLINOIS
Instruction Sheet
2016 S-15 Supplement

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LMB
(10/16)

CITY OF GALENA, ILLINOIS

CODE OF ORDINANCES

Contains 2016 S-15 Supplement, current through:
Ordinance O-16-13, passed 8-22-16, and
State legislation through 2016 ALS #3

AMERICAN LEGAL PUBLISHING CORPORATION

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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	Todd Lincoln
Jerry Westemeier	Pam Bernstein

ORDINANCE NO. O-15-12

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 Fourteenth 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 Fourteenth 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 23rd day of November, 2015.

AYES:	NAYS:	ABSENT:
Fach, Hah, Kieffer, Westemeier, Bernstein	None	Renner

Todd Lincoln /s/
Todd Lincoln, Mayor Pro Tem

(SEAL)

ATTEST:

_____

Mary Beth Hyde, City Clerk

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 any one 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 as of July 1, 2015, a copy of this determination being 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 section, which are also used in the 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 class of workers whose wages will be affected by such rates.

(E) The city shall promptly file a certified copy of this section with both the Secretary of State, Index Division, and the Department of Labor of the State of Illinois.

(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)

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 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

(C) This section shall not be applicable unless appropriate signs are posted upon streets wherein the school zone is located. The signs shall give proper due warning that a school zone is being approached, and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present. Nothing in this chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone indicating the zone, as defined in this section, nor shall evidence obtained thereby be inadmissible in any prosecution for speed, provided the use of the device shall apply only to the enforcement of the speed limit in the special school speed zone.

(D) (1) When a fine for a violation of division (A) is $150 or greater, the person who violates division (A) shall be charged an additional $50 to be paid to the unit school district where the violation occurred for school safety purposes. If the violation occurred in a dual school district, $25 of the surcharge shall be paid to the elementary school district for school safety purposes and $25 of the surcharge shall be paid to the high school district for school safety purposes. Notwithstanding any other provision of law, the entire $50 surcharge shall be paid to the appropriate school district or districts.

(2) For purposes of this division, "school safety purposes" includes the costs associated with school zone safety education, the Safe Routes to School Program under Section 2705-317 of the Department of Transportation Law of the Civil Administrative Code of Illinois (ILCS Ch. 20, Act 2705, § 317), safety programs with the School Safety and Educational Improvement Block Grant Program under Section 2-3.51.5 of the School Code (ILCS Ch. 105, Act 5, § 2-3.51.5), and the purchase, installation, and maintenance of caution lights which are mounted on school speed zone signs.
(ILCS Ch. 625, Act 5, § 11-605(a), (c)) Penalty, see § 70.99

§ 71.003 MAXIMUM ATTAINABLE OPERATING SPEED.

No person shall drive or operate any motor vehicle on any street or highway in this city where the minimum allowable speed on that street or highway, as posted, is greater than the maximum attainable operating speed of the vehicle. Maximum attainable operating speed shall be determined by the manufacturer of the vehicle and clearly published in the manual of specifications and operation, or it shall be determined by applicable rule and regulation promulgated by the Secretary of State.
(ILCS Ch. 625, Act 5, § 11-611) Penalty, see § 70.99

§ 71.004 MINIMUM SPEED REGULATION.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and regular movement of traffic except when reduced speed is necessary for safe operation of his vehicle or in compliance with law.
(ILCS Ch. 625, Act 5, § 11-606(a)) Penalty, see § 70.99

TURNING AND STARTING; SIGNALS

§ 71.020 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS.

(A) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) The state Department of Transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(B) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(1) A left turn shall not be made from any other lane.

(2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.
(ILCS Ch. 625, Act 5, § 11-801) Penalty, see § 70.99

§ 71.021 LIMITATIONS ON U-TURNS.

(A) The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(B) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.
(ILCS Ch. 625, Act 5, § 11-802) Penalty, see § 70.99

§ 71.022 STARTING PARKED VEHICLE.

No person shall start a vehicle which is stopped, standing, or parked, unless and until the movement can be made with reasonable safety.
(ILCS Ch. 625, Act 5, § 11-803) Penalty, see § 70.99

§ 71.023 WHEN SIGNAL REQUIRED.

(A) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in § 71.020, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, or move right or left upon a roadway unless and until the movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(B) A signal of intention to turn right or left when required must be given continuously during not less than the last 100 feet traveled by the vehicle before turning within a business or residence district, and the signal must be given continuously during not less than the last 200 feet traveled by the vehicle before turning outside a business or residence district.

(C) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this chapter to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

(D) The electric turn signal device required in ILCS Ch. 625, Act 5, § 12-208 must be used to indicate an intention to turn, change lanes, or start from a parallel parked position, but must not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to

operators of other vehicles approaching from the rear. However, signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, and passing.
(ILCS Ch. 625, Act 5, § 11-804) Penalty, see § 70.99

§ 71.024 SIGNAL BY HAND AND ARM OR SIGNAL DEVICE.

Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements provided in ILCS Ch. 625, Act 5, § 12-208.
(ILCS Ch. 625, Act 5, § 11-805) Penalty, see § 70.99

§ 71.025 METHOD OF GIVING HAND AND ARM SIGNALS.

All signals given by hand and arm shall be given from the left side of the vehicle in the following manner, and the signals shall indicate as follows:

(A) *Left turn.* Hand and arm extended horizontally.

(B) *Right turn.* Hand and arm extended upward, except that a person operating a bicycle may extend the right hand and arm horizontally and to the right side of the bicycle.

(C) *Stop or decrease of speed.* Hand and arm extended downward.
(ILCS Ch. 625, Act 5, § 11-806) Penalty, see § 70.99

OVERTAKING AND PASSING

§ 71.040 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

(A) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing those movements;

(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 1/2 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 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.

(F) Every person convicted of division (E) 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

authorized by law to be equipped with oscillating, rotating, or flashing lights under ILCS Ch. 625, Act 5,§ 12-215, while its owner or operator is engaged in his or her official duties.

(D) *Penalty for violation of division (C).*

(1) A person who violates division (C) commits a business offense punishable by a fine of not less than $100 or more than $10,000. It is a factor in aggravation if the person committed the offense while in violation of ILCS Ch. 625, Act 5, § 11-501. Imposition of the penalties authorized by this division for a violation of division (C) of this section that results in the death of another person does not preclude imposition of appropriate additional civil or criminal penalties.

(2) If a violation of division (C) results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(3) If a violation of division (C) results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than two years.

(4) If a violation of division (C) results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for two years.

(5) Upon receiving a record of a judgment entered against a person under division (C), the Secretary of State shall:

(a) Suspend the person's driving privileges for the mandatory period; or

(b) Extend the period of an existing suspension by the appropriate mandatory period.
(ILCS Ch. 625, Act 5, § 11-907) Penalty, see § 70.99

§ 71.067 FUNERAL PROCESSIONS.

(A) Funeral processions have the right-of-way at intersections when vehicles comprising the procession have their headlights and hazard lights lighted, subject to the following conditions and exceptions:

(1) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal;

(2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer;

(3) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals but when the leading vehicle has proceeded across an intersection in accordance with the signal or after stopping as required by the stop sign, all vehicles in the procession may proceed without stopping, regardless of the sign or signal, and the leading vehicle and the vehicles in procession shall proceed with due caution.

(B) The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

(C) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights or hazard lights or both lighted for the purpose of securing the right-of-way granted by this section to funeral processions.

(D) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(E) The lead vehicle in the funeral procession may be equipped with a flashing amber light which

may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers or flashing hazard warning signal flashers to identify the individual vehicles in such a procession.

(F) In the absence of law enforcement traffic control assistance for a funeral procession, a funeral director or his or her designee may direct traffic during a funeral procession.
(ILCS Ch. 625, Act 5, § 11-1420) Penalty, see § 70.99

SPECIAL STOPS REQUIRED

§ 71.080 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN OR RAILROAD TRACK EQUIPMENT.

(A) Whenever any person driving a vehicle approaches a railroad grade crossing, that person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or railroad track equipment;

(2) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment;

(3) A railroad train or railroad track equipment approaching a highway crossing emits a warning signal and the train or railroad track equipment, by reason of its speed or nearness to the crossing, is an immediate hazard;

(4) An approaching railroad train or railroad track equipment is plainly visible and is in hazardous proximity to the crossing;

(5) A railroad train or railroad track equipment is approaching so closely that an immediate hazard is created.

(B) Whenever a person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop but must slow down, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any circumstances stated in this section, the driver shall slow down within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she checks that the tracks are clear of an approaching train or railroad track equipment.

(C) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(D) When stop signs are erected at railroad grade crossings, the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall proceed only upon exercising due care.
(ILCS Ch. 625, Act 5, § 11-1201(a) - (d)) Penalty, see § 70.99

§ 71.081 CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS.

(A) The driver of any of the following vehicles shall, before crossing a railroad track or tracks at grade, stop that vehicle within 50 feet but not less than 15 feet from the nearest rail, and while so stopped, shall listen and look for the approach of a train or railroad track equipment, and shall not proceed until that movement can be made with safety:

(1) Any second division vehicle carrying passengers for hire;

CHAPTER 77: MOTOR VEHICLE OFFENSES

Section

77.01 Reckless driving
77.02 Drag racing
77.03 Accidents involving death or personal injuries
77.04 Duty to give information and render aid
77.05 Accident involving damage to vehicle
77.06 Duty upon damaging unattended vehicle or other property
77.07 Duty to report accident
77.08 False reports
77.09 When driver fails to report

§ 77.01 RECKLESS DRIVING.

A person commits reckless driving if he or she:

(A) Drives any vehicle with a willful or wanton disregard for the safety of persons or property; or

(B) Knowingly drives a vehicle and uses an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.
(ILCS Ch. 625, Act 5, § 11-503(a)) Penalty, see § 70.99

§ 77.02 DRAG RACING.

(A) Any person who, as an operator of a motor vehicle, is convicted of being a participant in drag racing shall be subject to the penalties provided in this chapter.

(B) *DRAG RACING* means the act of two or more individuals competing or racing on any street or highway in this city in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver, and the one driver attempts to prevent the competing driver from passing or overtaking, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street in this city.
(ILCS Ch. 625, Act 5, § 11-504) Penalty, see § 70.99

§ 77.03 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES.

(A) The driver of any vehicle involved in a motor vehicle accident resulting in personal injury to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close thereto as possible, and shall then forthwith return to, and in every event shall remain at the scene of the accident until the requirements of § 77.09 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.

(B) (1) Any person who has failed to stop or to comply with the requirements of division (A) shall, as soon as possible but in no case later than one-half hour after the motor vehicle accident, or, if hospitalized and incapacitated from reporting at any time during the period, as soon as possible but in no case later than one-half hour after being discharged from the hospital, report the place of the accident, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of the vehicle, at the police station or sheriff's office near where the accident occurred. No report made as required under this division shall be used, directly or indirectly, as a basis for the prosecution of any violation of division (A).

(2) Any person arrested for violating this section is subject to chemical testing of his or her blood, breath, other bodily substance, or urine for the presence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the testing occurs within 12 hours of the time of the occurrence of the accident that led to his or her arrest. The person's driving privileges are subject to statutory summary suspension if he or she fails testing or statutory summary revocation if he or she refuses to undergo the testing.

(C) For purposes of this section, ***PERSONAL INJURY*** shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.
(ILCS Ch. 625, Act 5, § 11-401) Penalty, see § 70.99

§ 77.04 DUTY TO GIVE INFORMATION AND RENDER AID.

(A) The driver of any vehicle involved in a motor vehicle accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name, address, registration number, and owner of the vehicle the driver is operating, and shall upon request and if available, exhibit the driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in the accident reasonable assistance, including the carrying or the making of arrangements for the carrying of the person to a physician, surgeon, or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

(B) If none of the persons entitled to information pursuant to this section is in condition to receive and understand the information and no police officer is present, the driver, after rendering reasonable assistance, shall forthwith report the accident at the Police Department, disclosing the information required by this section.
(ILCS Ch. 625, Act 5, § 11-403) Penalty, see § 70.99

§ 77.05 ACCIDENT INVOLVING DAMAGE TO VEHICLE.

(A) The driver of any vehicle involved in a motor vehicle accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop the vehicle at the scene of the motor vehicle accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of the motor vehicle accident until the requirements of § 77.04 have been fulfilled. A driver does not violate this section if the driver moves the vehicle as soon as possible off the highway to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic and remains at that location until the driver has fulfilled the requirements of § 77.04. Every stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic lanes, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the traffic lanes.

(B) Upon conviction of a violation of this section, the court shall make a finding as to whether the damage to a vehicle is in excess of $1,000, and in such case a statement of this finding shall be reported to the Secretary of State with the report of conviction.

(C) If any peace officer or highway authority official finds a vehicle standing upon a highway or toll highway in violation of a prohibition, limitation, or restriction on stopping, standing, or parking imposed under this chapter or a disabled vehicle that obstructs the roadway of a highway or toll highway, the peace officer or highway authority official is authorized to move the vehicle or to require the operator of the vehicle to move the vehicle to the shoulder of the road, to a position where parking is permitted, or to public

parking or storage premises. The removal may be performed by, or under the direction of, the peace officer or highway authority official or may be contracted for by local authorities. After the vehicle has been removed, the peace officer or highway authority official shall follow appropriate procedures, as provided in § 90.03 of this Code of Ordinances.

(D) A towing service, its officers, and its employees are not liable for loss of or damages to any real or personal property that occurs as the result of the removal or towing of any vehicle under division (C) of this section, as provided in § 90.09(B) of this Code of Ordinances.

(E) Any person failing to comply with this section shall be guilty of a Class A misdemeanor. (ILCS Ch. 625, Act 5, § 11-402) Penalty, see § 70.99

§ 77.06 DUTY UPON DAMAGING UNATTENDED VEHICLE OR OTHER PROPERTY.

(A) The driver of any vehicle which collides with or is involved in a motor vehicle accident with any vehicle which is unattended, or other property, resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of the driver's name, address, registration number, and owner of the vehicle the driver was operating or shall attach securely in a conspicuous place on or in the vehicle or other property struck a written notice giving the driver's name, address, registration number, and owner of the vehicle the driver was driving and shall without unnecessary delay notify the Police Department and shall make a written report of such accident when and as required in § 77.12. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic lanes, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the traffic lanes.

(B) If any peace officer or highway authority official finds a vehicle standing upon a highway or toll highway in violation of a prohibition, limitation, or restriction on stopping, standing, or parking imposed under this chapter or a disabled vehicle that obstructs the roadway of a highway or toll highway, the peace officer or highway authority official is authorized to move the vehicle or to require the operator of the vehicle to move the vehicle to the shoulder of the road, to a position where parking is permitted, or to public parking or storage premises. The removal may be performed by, or under the direction of, the peace officer or highway authority official or may be contracted for by local authorities. After the vehicle has been removed, the peace officer or highway authority official shall follow appropriate procedures, as provided in § 90.03 of this Code of Ordinances.

(C) A towing service, its officers, and its employees are not liable for loss of or damages to any real or personal property that occurs as the result of the removal or towing of any vehicle under division (B) of this section, as provided in § 90.09(B) of this Code of Ordinances.

(D) Any person failing to comply with this section shall be guilty of a Class A misdemeanor. (ILCS Ch. 625, Act 5, § 11-404) Penalty, see § 70.99

§ 77.07 DUTY TO REPORT ACCIDENT.

(A) The driver of a vehicle which is in any manner involved in an accident within this city, resulting in injury to or death of any person or in which damage to the property of any one person, including himself, in excess of $1,500 (or $500 if any of the vehicles involved in the accident is subject to ILCS Ch. 625, Act 5, § 7-601 but is not covered by a liability insurance policy in accordance with ILCS Ch. 625, Act 5, § 7-601) is sustained shall, as soon as possible but not later than ten days after the accident, file with the Police Department a copy of the written report required to be filed with the state under ILCS Ch. 625, Act 5, § 11-406(a).

(B) Whenever a school bus is involved in an accident in this city, caused by a collision, a sudden stop, or otherwise, resulting in any property damage, personal injury, or death, and whenever an accident occurs within 50 feet of a school bus in this city resulting in personal injury to or the death of any person while awaiting or preparing to board the bus or immediately after exiting the bus, the driver shall as soon as possible, but not later than ten days after the accident, file with the Police Department a copy of the written report required to be filed with the state under ILCS Ch. 625, Act 5, § 11-406(b). If a report is also required under division (A) above, that report and the report required by this division (B) shall be submitted on a single form.

(C) The Chief of Police may require any driver, occupant, or owner of a vehicle involved in an accident of which report must be made as provided in this section or § 77.14 to file supplemental reports whenever the original report is insufficient in the opinion of the Chief of Police and may require witnesses of the accident to submit written reports. The report may include photographs, charts, sketches, and graphs.

(D) Should the Police Department learn through other reports of accidents required by law of the occurrence of an accident reportable under §§ 77.08 through 77.14 and the driver, owner, or witness has not reported as required under (A) through (C) above or § 77.14 within the time specified, the person is not relieved of the responsibility and the Police Department shall notify the person by first class mail directed to his last known address of his legal obligation. However, the notification is not a condition precedent to impose the penalty for failure to report as provided in (E) below.

(E) The Secretary of State shall suspend the driver's license or any nonresident's driving privilege of any person who fails or neglects to make report of a traffic accident as herein required or as required by any other law of this state.
(ILCS Ch. 625, Act 5, § 11-406)
Statutory reference:
Authorization for city to require accident reports, see ILCS Ch. 625, Act 5, § 11-415

§ 77.08 FALSE REPORTS.

Any person who provides information in an oral or written report required by §§ 77.08 through 77.14 with knowledge or reason to believe that the information is false shall be fined as provided in § 70.99.
(ILCS Ch. 625, Act 5, § 11-409)

§ 77.09 WHEN DRIVER FAILS TO REPORT.

Whenever the driver of a vehicle is physically incapable of making a required written accident report and if there was another occupant in the vehicle at the time of the motor vehicle accident capable of making a written report, the occupant shall make or cause the written report to be made. If the driver fails for any reason to make the report the owner of the vehicle involved in the motor vehicle accident shall, as soon as practicable, make the report to the Police Department.
(ILCS Ch. 625, Act 5, § 11-410)

(E) Whenever a peace officer reasonably believes that a person under arrest for a violation of ILCS Ch. 625, Act 5, § 11-501 or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of ILCS Ch. 625, Act 5, § 11-501 or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) The vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this ILCS Ch. 625, Act 5; or

(2) The vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this ILCS Ch. 625, Act 5.

(F) (1) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of ILCS Ch. 625, Act 5, § 11-501 or a similar provision of a local ordinance or ILCS Ch. 625, Act 5, § 6-303, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(a) Twenty-four hours for a second violation of ILCS Ch. 625, Act 5, § 11-501 or a similar provision of a local ordinance or ILCS Ch. 625, Act 5, § 6-303 or a combination of these offenses; or

(b) Forty-eight hours for a third violation of ILCS Ch. 625, Act 5, § 11-501 or a similar provision of a local ordinance or ILCS Ch. 625, Act 5, § 6-303 or a combination of these offenses.

(2) The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this code.

(G) Except as provided in ILCS Ch. 625, Act 5, §§ 18a-100 et seq., the owner or lessor of privately owned real property within this city, or any person authorized by such owner or lessor, or the police department in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation, or storage or damage caused by such removal, transportation, or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

(1) Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

(2) The towing service shall within 30 minutes of completion of such towing or removal, notify the police department of such towing or removal, and the make, model, color, and license plate number of the vehicle, and shall obtain and record the name of the person at the police department.

(3) If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half the posted rate of the towing service as provided in division (6) below, for which a receipt shall be given.

(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.

(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 or custodian within one-half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent 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 by the use of any major credit card, in addition to being payable in cash.

(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,

PRODUCTION COMPANY. Any person in the film, digital and video media, television, commercial, music and theatrical stage industry who provides pyrotechnic services or pyrotechnic display services as part of a film, digital and video media, television, commercial, music, or theatrical production in the State of Illinois and is licensed by the Office of the State Fire Marshal pursuant to the Pyrotechnic Distributor and Operator Licensing Act (ILCS Ch. 225, Act 227).

PYROTECHNIC DISPLAY. The detonation, ignition, or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees, or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Distributor and Operator Licensing Act (ILCS Ch. 225, Act 227).

PYROTECHNIC DISTRIBUTOR. Any person who distributes fireworks for sale in the State of Illinois or provides them as part of a pyrotechnic display service in the State of Illinois or provides only pyrotechnic services and is licensed by the Office of the State Fire Marshal pursuant to the Pyrotechnic Distributor and Operator Licensing Act (ILCS Ch. 225, Act 227).

PYROTECHNIC SERVICE. The detonation, ignition or deflagration of display fireworks, special effects or flame effects to produce a visual or audible effect.

SPECIAL EFFECTS FIREWORKS. Pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical, or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as intended for indoor use. ***SPECIAL EFFECTS FIREWORKS*** are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. 172.101.
(ILCS Ch. 425, Act 35, § 1)

§ 93.61 POSSESSION, SALE AND USE OF FIREWORKS.

(A) Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects, or consumer fireworks; provided that the Mayor and City Council shall have power to adopt reasonable rules and regulations for pyrotechnic or consumer displays.
(ILCS Ch. 425, Act 35, § 2)

(B) *Pyrotechnic displays or pyrotechnic services.*

(1) Each pyrotechnic display or pyrotechnic service shall be conducted by a licensed lead pyrotechnic operator employed by a licensed pyrotechnic distributor or a licensed production company, or insured as an additional named insured on the pyrotechnic distributor's product liability and general liability insurance, as required under paragraphs 2 and 3 of subsection (c) of Section 35 of the Pyrotechnic Distribution and Operating Licensing Act (ILCS Ch. 225, Act 227), or insured as an additional named insured on the production company's general liability insurance, as required under paragraph (1) of subsection (c-3) of Section 35 of the Pyrotechnic Distribution and Operating Licensing Act. Applications for a pyrotechnic display permit shall be made in writing at least 15 days in advance of the date of the pyrotechnic display or pyrotechnic service, unless agreed to otherwise by the local jurisdiction issuing the permit and the fire chief of the jurisdiction in which the display or pyrotechnic service will occur. After a permit has been granted, sales, possession, use, and distribution of display fireworks for the display or pyrotechnic service shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(2) Pyrotechnic display permits may be granted hereunder to any adult individual applying therefor. No permit shall be required under the provisions of ILCS Ch. 425, Act 30, §§ 1 et seq. for supervised public displays by state or county fair associations.

(3) The applicant seeking the pyrotechnic display permit must provide proof of liability insurance in a sum not less than $1,000,000 to the local governmental entity issuing the permit.

(4) A permit shall be issued only after the Chief of the Fire Department providing fire protection coverage to the area of display or pyrotechnic service, or his or her designee, has inspected the site and determined that the display or pyrotechnic service can be performed in full compliance with the rules adopted by the State Fire Marshal and that the display or pyrotechnic service shall not be hazardous to property or endanger any person or persons. Nothing in this section shall prohibit the issuer of a permit from adopting more stringent rules.

(5) All indoor pyrotechnic displays and pyrotechnic services shall be conducted in buildings protected by automatic sprinkler systems and meeting the requirements of rules adopted by the State Fire Marshal pursuant to ILCS Ch. 425, Act 30, §§ 1 et seq. At the time an individual applies for an indoor pyrotechnic display permit from the city, written notice of the permit application and the indoor display or pyrotechnic service information shall be made in writing at least 15 days in advance of the date of the pyrotechnic display or pyrotechnic service to the Office unless agreed to otherwise by the Office of the State Fire Marshal.

(6) Permits shall be signed by the Chief of the Fire Department providing fire protection to the area of display or pyrotechnic service, or his or her designee, and must identify the licensed pyrotechnic distributor or licensed production company and the lead pyrotechnic operator.
(ILCS Ch. 425, Act 35, § 2.1)

(C) *Consumer displays.*

(1) Each consumer display shall be handled by a competent individual who has received training from a consumer fireworks training class approved by the Office of the State Fire Marshal. Applications for consumer display permits shall be made in writing at least 15 days in advance of the date of the display, unless agreed to otherwise by the local jurisdiction issuing the permit and the Fire Chief of the jurisdiction in which the display will occur. After a permit has been granted, sales, possession, use, and distribution of consumer fireworks for display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(2) Permits may be granted hereunder to any adult individual applying for a permit who provides proof that he or she has received the requisite training. The local jurisdiction issuing the permit is authorized to conduct a criminal background check of the applicant as a condition of issuing a permit.

(3) A permit shall be issued only after inspection of the display site by the Fire Chief providing fire protection coverage to the area of display, or his or her designee, to determine that the display is in full compliance with the rules adopted by the State Fire Marshal. Nothing in this section shall prohibit the issuer of a permit from adopting more stringent rules.
(ILCS Ch. 425, Act 35, § 2.2)

(D) *Consumer distributors and retailers.* No person may act as a consumer distributor or retailer or advertise or use any title implying that the person is a consumer distributor or retailer unless registered with the Office of the State Fire Marshal. No consumer fireworks may be distributed, sold, transferred, or provided free of charge to an individual who has not been issued a permit in accordance with division (C) above or has not registered with the Office of the State Fire Marshal in accordance with this section. No person may sell to a single individual a quantity of consumer fireworks exceeding 499 pounds without prior approval by the Office of the State Fire Marshal. The State Fire Marshal, in the name of the people, through the Attorney General, the State's Attorney of any county, any resident of the state, or any legal entity within the state may apply for injunctive relief in any court to enjoin any person who has not registered from distributing or selling consumer fireworks. Upon filing a verified petition in

awning, bay window, porch or from any down spout upon any public sidewalk in the city.
('69 Code, § 18-16) (Ord. passed 10-5-20) Penalty, see § 10.99

§ 97.13 TRIMMING TREES, SHRUBS.

(A) It shall be the duty of all owners of lots within the limits of the city to trim trees now growing on such lots and prevent the trees from becoming a nuisance. ('69 Code, § 18-17) (Ord. passed 9-3-1895)

(B) It shall be unlawful for any person to cut or trim any trees or shrubbery growing on the public streets of the city unless said cutting or trimming is done under the supervision of the Street Superintendent or someone delegated by him. ('69 Code, § 18-18) (Ord. passed 4-6-43)
Penalty, see § 10.99

§ 97.14 CONSTRUCTION AND REPAIR OF SIDEWALKS AND DRIVEWAYS.

(A) No building permits for the erection of a new business or dwelling unit shall be granted until a review of the site by the City Engineer or designee has been made and a determination made that sidewalks or driveways can be constructed to meet all established standards including accessibility. If such standards can be met, the city shall require the construction of such sidewalks and/or driveways and the cost and maintenance of such sidewalks or driveways shall become the responsibility of the property owner.

(B) All sidewalks and driveways shall be constructed according to the general specifications of the city entitled "Sidewalks and Driveways of the City of Galena." A copy of the specifications shall be kept on file at City Hall.

(C) When the city is notified or becomes aware of a sidewalk, handrail or stairway needing repair, it shall order the property owner to repair the sidewalk, handrail or stairway along the frontage of their property in the public right-of-way. Such sidewalks, handrails or stairways will be repaired according to the specifications of the city. The property owner shall have 30 days from the date of notice to make such repair. Upon failure of the property owner to make such repair or obtain approval for delay in repair, the city shall make the repair and file a lien against said property for the costs incurred.

(D) Notwithstanding any other provisions contained herein, sidewalks constructed within the following areas of the city shall be constructed with a concrete which has an exposed aggregate finish, the specifications for which shall be included in the general specifications for the construction of sidewalks on file at City Hall, Galena, Illinois:

Park Avenue (from Benton Street to Adams Street)
Bouthillier Street (from railroad tracks to Fourth Street)
Prospect Street (from Elk Street to Gear Street)
Bench Street (from Meeker Street to Gear Street)

(E) Notwithstanding any other provisions contained herein, sidewalks constructed within the following areas of the city shall be constructed with a concrete which has a broomed and colored finish, the specifications for which shall be included in the general specifications for the construction of sidewalks on file at City Hall, Galena, Illinois:

Main Street (from Meeker Street to Floodgate)
Commerce Street (from Franklin Street to Warren Street)
Green Street (from Bench Street to Commerce Street)
Washington Street (from Bench Street to Commerce Street)
Hill Street (from Bench Street to Commerce Street)
Perry Street (from Bench Street to Commerce Street)
Franklin Street (from Bench Street to Commerce Street)

Diagonal Street (from Bench Street to Main Street)
Warren Street (from Commerce Street to Bench Street)

(F) Notwithstanding any other provisions contained herein, sidewalks constructed within the following areas of the city shall be constructed with brick pavers, the specifications for which shall be included in the general specifications for the construction of sidewalks on file at City Hall:

Bouthillier Street (south side, from Fourth Street to the west driveway of Stillman's Mansion, 513 Bouthillier)

('69 Code, § 18-19) (Ord. O-70-3, passed 3-9-70; Am. Ord. O-70-5, passed 3-23-70; Am. Ord. O-83-4, passed 7-11-83; Am. Ord. O-94-17, passed 9-24-94; Am. Ord. O-00-01, passed 1-24-00; Am. Ord. O-16-12, passed 8-8-16) Penalty, see § 10.99

EXCAVATIONS

§ 97.25 SHORT TITLE.

This subchapter shall be known and may be cited as the "Street Excavation Ordinance of the City of Galena, Illinois."('69 Code, § 18-32) (Ord. O-74-3, passed 2-11-74)

§ 97.26 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number Include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

APPLICANT. Any person making written application to the City Engineer for an excavation permit hereunder and who has secured a surety bond as provided in § 97.29 and who shall do the excavation work.

CITY. City of Galena.

CITY COUNCIL. The City Council of the City of Galena.

CITY ENGINEER. The City Engineer of the City of Galena.

EXCAVATION WORK. The excavation and other work permitted under an excavation permit and required to be performed under this subchapter.

PERMITTEE. Any person who has been granted and has in full force and effect an excavation permit issued hereunder.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

STREET. Any street, highway, sidewalk, alley, avenue, or other public way or public grounds in the city and shall include not only the improved portion thereof but shall also include the additional right-of-way, if any, on either side thereof.

('69 Code, § 18-33) (Ord. O-74-3, passed 2-11-74; Am. Ord. O-78-3, passed 4-10-79; Am. Ord. O-79-06, passed 7-23-79)

§ 97.27 PERMIT REQUIRED; APPLICATION AND FEES.

(A) *Excavation permit.* It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth or other

excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit therefor from the City Engineer as herein provided. Notwithstanding any other provisions of this subchapter any person heretofore having been granted and accepted a franchise to use the streets of the city for public utility purposes shall be issued permits upon compliance with the terms of the franchise ordinances and this subchapter shall not apply where inconsistent with such franchise ordinances. ('69 Code, § 18-34)

(B) *Application.* No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the City Engineer. The written application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and other data as may be reasonably required by the City Engineer. The application shall be in the form prescribed by the City Engineer. ('69 Code, § 18-35)

(C) *Excavation permit fees.* A permit fee shall be charged by the City Engineer for the issuance of an excavation permit which shall be in addition to all other fees for permits or charges relative to any

(B) *Requirements for obtaining a license.*

(1) A farmers' market must be coordinated by a market master, who will assume responsibility for the coordination of all farmers' market events and assure compliance with all regulations. Said market master shall be responsible for obtaining the required license.

(2) The market master, when requesting a farmer's market license, must have proof of a state user's permit from the Illinois Historic Preservation Agency. Said market master must provide the City Clerk with a list of names, addresses, tax identification numbers, and all other pertinent information about each person displaying and selling produce at the farmers' market. Said list shall be updated as necessary, so that the City Clerk always has on file a complete list of all persons participating in the farmers' market.

(3) The City Clerk or Mayor may request a background check of the market master (applicant) by the Police Department before issuing a farmers' market license.

(4) The fee for a farmers' market license shall be $25 per year. Said fee shall be paid at the time of application.

(5) The city may deny the farmers' market license based on grounds of failure to cooperate with authorities, failure to obtain a permit before sales, past suspension or revocation of permits, failure to pay taxes, failure to provide proof of a user's permit, or other just cause.

(C) *Regulations.*

(1) The following locations are allowed for the use of the farmers' market. All other locations are strictly prohibited: Market Square, between Commerce Street and the alley west of the Lemfco Foundry, and between Perry and Hill Streets.

(2) It shall be unlawful to block, restrict, display or operate sales upon a public street, alley, sidewalk or other public way.

(3) It shall be unlawful to sell items other than produce or home-grown food items, and it shall be unlawful to sell items that are not in accordance with Jo Daviess County Health Department standards.

(D) *License must be conspicuously posted.* The license must be posted, in a conspicuous location where said event is occurring, and must remain posted throughout the duration of said event.
('69 Code, § 12-8) (Ord. O-92-5, passed 4-27-92)
Penalty, see § 110.99

§ 110.39 STREET PERFORMERS.

(A) *Intent.* The City of Galena finds that street performers provide a public amenity that enhances the character of the community and seeks to encourage such performances in a manner consistent with the overall public interest. The City of Galena also recognizes that street performers seek to and do draw crowds to their performances. This can create safety problems by impacting the ability of pedestrians to move safely on sidewalks and through crosswalks and impeding the response time of safety personnel. It can also impact access to and egress from businesses. This section imposes reasonable time, place, and manner restrictions on street performers to the extent necessary to ensure the safety of performers, their audience, and the general public and to prevent unreasonable interference with the enjoyment of peace and quiet by residents in their homes or the ability of businesses to operate and conduct their business.

(B) *License required.* It shall be unlawful to perform in public without first obtaining a street performer license.

(1) An application for a street performer license shall be made to the City Clerk.

(2) The fee for a street performer license shall be $25 per year. Said fee shall be paid at time of application.

(3) The street performer license shall be valid from the date of issuance through April 30.

(4) The license holder shall post the license in a conspicuous location at the location of the performance.

(5) The street performer license is non-transferable.

(C) *Rules and regulations.*

(1) Performing is limited to 10:00 a.m. to 8:00 p.m.

(2) No performance shall prevent the public from utilizing any public benches, waste receptacles, informational signs or other amenities during the performance. No performance shall restrict the width of any sidewalk to less than five feet or otherwise inhibit the free movement of pedestrians on the sidewalk. No performer shall perform on any street or in any public parking space.

(3) To prevent congestion on sidewalks, no performer shall perform less than 20 feet from another performer or group of performers on the Main Street, Warren Street, Green Street, Washington Street, Hill Street, Perry Street or Diagonal Street right-of-ways.

(4) No performer shall perform within ten feet of the doorway or an open window of any business or residence. If a sufficient crowd gathers to observe a performer such that the passage of the public through a public area is blocked or obstructed, a police officer or fire official may disperse that portion of the crowd that is blocking or obstructing the passage of the public. If a performer cannot conduct a performance in a location without blocking or obstructing the passage of the public, a police officer or fire official may cause the performer to leave the location, but shall not prevent the performer from occupying another location in compliance with this section.

(5) Performance space is allocated on a first-come, first-serve basis. Performance space shall not be reserved and no performer shall leave his or her instruments, props, equipment, or other items unattended, or otherwise occupy a performance space, before 10:00 a.m. or after 8:00 p.m.

(6) Not more than five performers may perform as a coordinated unit or group in one location.

(7) No performer shall construct, erect, or maintain any stage, platform, tent, canopy or similar structure for use during any performance. A table, not to exceed 30 inches by 30 inches in area, may be used by each performer. A performer may sit on a stool or chair while performing and make available a stool or chair for the public.

(8) No performer shall require someone to pay a fee or set or negotiate a fee for a performance. Voluntary donations may be accepted by performers. Selling of any items or services is prohibited.

(9) Each performer may display a sign at the performance location not to exceed 12 inches by 18 inches. Signs shall not be located in the street or in a location to obstruct or block the passage of the public. A sign may display not more than the name of the performer and the type of performance. Any street performer sign approved by the city prior to January 1, 2016 shall be considered grandfathered, but shall not be changed or structurally altered to prolong the life of the sign. Signs in the National Register Historic District shall be constructed and painted in a workmanlike manner, utilize historic colors and earth tones, and shall be compatible with their surroundings in the Historic District.

(10) No performer shall utilize any speaker, microphone or mechanical amplification device.

(11) No performer shall generate any sound by any means so that the sound is louder than 70 decibels (70dB) on the Capital A Scale of an ANSI approved sound level meter measured at a distance of 50 feet or more, either horizontally or vertically from the point of generation,

(12) No performer shall use any knife, sword, torch, flame, aerosol, spray paint, axe, saw, or other object, liquid, gas, toxin or carcinogen that could be flammable, explode or otherwise cause serious bodily injury to any person.

(13) The use of animals is not permitted.

(14) The use of chalk on the sidewalk is prohibited.

(15) No performer shall plug any electrical device into any outlet, use a generator, or use lighting.

(16) No street performer shall engage in the application of tattoos or body piercing. No street performer shall include obscenity in a performance. No street performer shall engage in harassment or coercion of a passerby or other performer.

(D) *Exemptions*. Performances or performers sponsored by or within a licensed street dance, fair, festival, carnival, circus, or similar event, and for the purpose of entertainment, when no solicitation for money is made shall be exempt from the license requirements of this section.

(E) *Violation—Penalty*.

(1) Complaints regarding any street performer shall be received by the Police Department and shall include the complainant, date, time, place, and details of the complaint. All complaints shall be forwarded to the Mayor.

(2) The Mayor may suspend a license for not more than 60 days if:

(a) A performer violates any of the provisions of this section.

(b) A performer has not complied with a request to follow verbal or written guidelines from either the Mayor or the Police Department.

(c) The city has received at least three documented verbal or written complaints regarding violations of the provisions of this section and stating the complainant, date, time, place and details of the complaint.

(3) The Mayor may request that the City Council revoke a license that has been suspended. The revocation of a license shall be for a period not to exceed one year.

(4) A performer whose license has been suspended or revoked may request and is entitled to a public hearing concerning the suspension or revocation. Written notice of the date, place and time of the hearing will be given to the individual at least seven days prior to the hearing. The written notice will set forth the facts constituting the basis for the suspension or revocation. A hearing panel comprised of the Mayor and City Council will hear oral testimony, receive written evidence and provide a written decision to the performer. A majority vote of the full City Council shall be required to uphold or modify the original action.
('69 Code, § 12-9) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-03-29, passed 7-28-03; Am. Ord. O-04-18, passed 8-9-04; Am. Ord. O-12-28, passed 12-26-12; Am. Ord. O-16-02, passed 1-25-16) Penalty, see § 110.99

§ 110.40 PARADES, ASSEMBLIES, STREET DANCES AND OTHER EVENTS REQUIRING STREET CLOSURE.

(A) *Definitions*.

(1) ***PARADE.*** As used in this section shall be defined as any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park, or other public place of the city, provided that said gathering does not fall under licensing requirements found elsewhere in this chapter.

(2) ***OPEN AIR ASSEMBLY.*** As used in this section shall be defined as the concourse or meeting together or congregation of 50 or more citizens held outdoors on public property, for the purpose of providing recreation, entertainment, or for having speakers or discussing some matter of public

interest, provided that said gathering does not fall under licensing requirements found elsewhere in this chapter.

(3) ***STREET DANCE.*** As used in this section shall be defined as an event organized and sponsored by a nonprofit organization in which persons gather in a designated area of a street to listen to and dance to live or recorded music, provided that said gathering does not fall under licensing requirements found elsewhere in this chapter. Licensed lunch stands may be located within the area designated for a street dance and may provide food and/or liquid refreshment to be consumed in the area designated for the street dance. A street dance license shall be restricted to events conducted on Commerce Street between Perry Street and Hill Street and on Hill Street between Commerce Street and Main Street. In no event shall a street dance extend past 10:30 p.m.

(4) ***OTHER EVENTS REQUIRING STREET CLOSURE.*** In addition to street dances, all other events requiring the closure of a public street shall comply with the licensing requirements found elsewhere in this chapter and described hereafter. Street closure licenses shall be restricted to events conducted on Commerce Street between Perry Street

CHAPTER 134: GAMBLING OFFENSES

Section

134.01 Definitions
134.02 Gambling
134.03 Keeping a gambling place
134.04 Seizure of gambling devices and gambling funds
134.05 Racing animals through streets

134.99 Penalty

§ 134.01 DEFINITIONS.

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

ACCESS. The meaning ascribed to it in ILCS Ch. 720, Act 5, § 16D-2.

COMPUTER. The meaning ascribed to it in ILCS Ch. 720, Act 5, § 16D-2.

GAMBLING DEVICE. Any clock, tape machine, slot machine, or other machines or device for the reception of money or other thing of value on chance or skill, or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. A ***GAMBLING DEVICE*** does not include the following, as more specifically defined in ILCS Ch. 720, Act 5, § 28-2(a)(1) through (a)(4):

(1) Coin-in-the-slot operated mechanical devices.

(2) Vending machines.

(3) Crane games.

(4) Redemption machines.

INTERNET. An interactive computer service or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.

LOTTERY. Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name, excluding savings promotion raffles authorized under section 5g of the Illinois Banking Act (ILCS Ch. 205, Act 5), section 7008 of the Savings Bank Act (ILCS Ch. 205, Act 205), section 42.7 of the Illinois Credit Union Act (ILCS Ch. 205, Act 305), section 5136B of the National Bank Act (12 U.S.C. 25a), or section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

POLICY GAME. Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt.
('69 Code, §§ 13-19; 13.1-1)
Statutory reference:
Definitions under state law, see ILCS Ch. 720, Act 5, § 28-2

§ 134.02 GAMBLING.

(A) A person commits gambling when, within the corporate limits of the city, he or she:

(1) Knowingly plays a game of chance or skill for money or other thing of value, unless excepted in division (B);

(2) Knowingly makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;

(3) Knowingly operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device;

(4) Contracts to have or give himself or herself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, as described in ILCS Ch. 720, Act 5, § 28-1(a)(4);

(5) Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the courses of a bet or wager;

(6) Knowingly sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election;

(7) Knowingly sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery;

(8) Knowingly sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device;

(9) Knowingly drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government;

(10) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this division prohibits transmission or receipt of such information for use in news reporting of sporting events or contests;

(12) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, political nomination, appointment, or election by means of the Internet. This division (A)(12) does not apply to activities referenced in division (B)(6) below.

(B) Participants in any of the following activities shall not be convicted of gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, awards, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest;

(3) Pari-mutuel betting as authorized by the law of this state;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law or the manufacture, distribution, or possession of video gaming terminals, as defined in the Video Gaming Act, by manufacturers, distributors, and terminal operators licensed to do so under the Video Gaming Act;

(5) The game commonly known as "bingo," when conducted in accordance with ILCS Ch. 230, Act 25, §§ 1 et seq.;

(6) (a) Lotteries when conducted by the state in accordance with ILCS Ch. 20, Act 1605, §§ 1 et seq. This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law (ILCS Ch. 20, Act 1605) and its rules;

(b) The purchase of lottery tickets through the Internet for a lottery conducted by the state under the program established in ILCS Ch. 20, Act 1605, § 7.12;

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this division, an ***ANTIQUE SLOT MACHINE*** is one manufactured 25 years ago or earlier;

(8) Raffles and poker runs when conducted in accordance with ILCS Ch. 230, Act 15, §§ 1 et seq.;

(9) Charitable games when conducted in accordance with ILCS Ch. 230, Act 30, §§ 1 et seq.;

(10) Pull tabs and jar games when conducted under ILCS Ch. 230, Act 20, §§ 1 et seq.;

(11) Gambling games conducted on riverboats when authorized under ILCS Ch. 230, Act 10, §§ 1 et seq.;

(12) Video gaming terminals at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment when conducted in accordance with the Video Gaming Act; and

(13) Games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate.

(14) Savings promotion raffles authorized under section 5g of the Illinois Banking Act (ILCS Ch. 205, Act 5), section 7008 of the Savings Bank Act (ILCS Ch. 205, Act 205), section 42.7 of the Illinois Credit Union Act (ILCS Ch. 205, Act 305(), section 5136B of the National Bank Act (12 U.S.C. 25a), or section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

(C) *Circumstantial evidence*. In prosecutions under this section, circumstantial evidence shall have the same validity and weight as in any criminal prosecution.

(ILCS Ch. 720, Act 5, § 28-1(a), (b), (d)) ('69 Code, §§ 13-20, 13.1-2, 13.1-4) Penalty, see § 134.99

§ 134.03 KEEPING A GAMBLING PLACE.

(A) For purposes of this section, a ***GAMBLING PLACE*** is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling other than gambling conducted in the manner authorized by the Riverboat Gambling Act (ILCS Ch. 230, Act 10) or the Video Gaming Act (ILCS Ch. 230, Act 40). No person shall knowingly permit any premises or property owned or occupied by him or under his control to be used as a gambling place.

(B) When any premises is determined by the circuit court to be a gambling place:

(1) The premises is hereby declared to be a public nuisance and may be proceeded against as such; and

(2) The premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter.
(ILCS Ch. 720, Act 5, § 28-3) ('69 Code, § 13-21) Penalty, see § 134.99

§ 134.04 SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS.

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device and shall be subject to seizure, confiscation, and destruction by city authorities. As used in this section, a ***GAMBLING DEVICE*** includes any slot machine and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return or cause someone to return on chance to the player thereof money, property, or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unlessan individual with a property interest in the device knows of the unlawful use thereof.

(B) Every gambling device shall be seized and forfeited as contraband to the county wherein the seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein the seizure occurs.
(ILCS Ch. 720, Act 5, § 28-5(a),(b))

§ 134.05 RACING ANIMALS THROUGH STREETS.

It shall be unlawful for any person to run or race any horse or other animal in any public street, lane or alley in said city.
('69 Code, § 13-26) Penalty, see § 134.99

§ 134.99 PENALTY.

Whoever violates any provision of this chapter shall be punished as provided in § 10.99.
('69 Code, § 13.1-3) (Ord. O-91-21, passed 12-2-91)

KNOWINGLY. Having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents.

MATERIAL.

(1) Any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically, or

(2) Any book, magazine, printed matter however reproduced, or recorded audio of any sort.

MINOR. Any person under the age of 18.

NUDITY. The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed for sexual gratification or stimulation.

SEXUAL CONDUCT. Acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(B) A person is guilty of distributing harmful material to a minor when he or she:

(1) Knowingly sells, lends, distributes, exhibits to, depicts to, or gives away to a minor, knowing that the minor is under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age:

(a) Any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors;

(b) A motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors; or

(c) An admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation; or

(2) Admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age.

(C) In any prosecution arising under this section, it is an affirmative defense:

(1) That the minor as to whom the offense is alleged to have been committed exhibited to the accused a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which was relied upon by the accused;

(2) That the defendant was in a parental or guardianship relationship with the minor or that the minor was accompanied by a parent or legal guardian;

(3) That the defendant was a bona fide school, museum, or public library, or was a person acting in the course of his or her employment as an employee or official of such organization or retail outlet affiliated with and serving the educational purpose of such organization;

(4) That the act charged was committed in aid of legitimate scientific or educational purposes; or

(5) That an advertisement of harmful material as defined in this section culminated in the sale or distribution of such harmful material to a child under circumstances where there was no personal confrontation of the child by the defendant, his or her employees, or agents, as where the order or request for such harmful material was transmitted by mail, telephone, Internet or similar means of communication, and delivery of such harmful material to the child was by mail, freight, Internet or similar means of transport, which advertisement contained the following statement, or a substantially similar statement, and that the defendant required the purchaser to certify that he or she was not under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18:

NOTICE

It is unlawful for any person under the age of 18 to purchase the matter advertised. Any person under the age of 18 that falsely states that he or she is not under the age of 18 for the purpose of obtaining the material advertised is guilty of a Class B misdemeanor under the laws of the State.

(D) The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was sold, lent, distributed or given, unless it appears from the nature of the matter or the circumstances of its dissemination or distribution that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

(E) Distribution of harmful material in violation of this section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.

(F) Any person under the age of 18 who falsely states, either orally or in writing, that he or she is not under the age of 18, or who presents or offers to any person any evidence of age and identity that is false or not actually his or her own with the intent of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material is guilty of a Class B misdemeanor.
(ILCS Ch. 720, Act 5, § 11-21) Penalty, see § 10.99

§ 135.04 PROSTITUTION.

(A) Any person who knowingly performs, offers or agrees to perform any act of sexual penetration as defined in ILCS Ch. 720, Act 5, § 11-0.1 for anything of value, or any touching or fondling of the sex organs of one person by another person, for anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

(B) A violation of this section is a Class A misdemeanor.

(C) It is an affirmative defense to a charge under this section that the accused engaged in or performed prostitution as a result of being a victim of involuntary servitude or trafficking in persons as defined in ILCS Ch. 720, Act 5, § 10-9.

(D) Notwithstanding the foregoing, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a person under the age of 18, that person shall be immune from prosecution for a prostitution offense under this section, and shall be subject to the temporary protective custody provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of 1987. Pursuant to the provisions of Section 2-6 of the Juvenile Court Act of 1987, a law enforcement officer who takes a person under 18 years of age into custody under this section shall immediately report an allegation of a violation of ILCS Ch. 720, Act 5, § 10-9 to the Illinois Department of Children and Family Services State Central Register, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to Section 7.4 of the Abused and Neglected Child Reporting Act.
(ILCS Ch. 720, Act 5, § 11-14) Penalty, see § 10.99
Statutory reference:

For provisions regarding first offender; felony prostitution, see ILCS Ch. 720, Act 5, § 11-14

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) Sells, manufactures, purchases, possesses, or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition, throwing star, or any knife, commonly referred to as a switch-blade knife, which has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas, but which shall not be deemed to include crossbows, common or compound bows and/or underwater spearguns in accordance with ILCS Ch. 720, Act 5, § 24-1(e);

(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 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)) 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)(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 faculty 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. (ILCS Ch. 720, Act 5, § 24-2(a))

(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 ordinance.

(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))

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 propellent 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)

§ 154.202 RESIDENTIAL PRINCIPAL AND MAJOR ACCESSORY STRUCTURES.

Table 154.202.1 provides the bulk standards for principal and major accessory structures for all residential uses within the standard zoning districts in which they are permitted.

TABLE 154.202.1 RESIDENTIAL BULK STANDARDS [1]

Zoning District	*Minimum Lot Area [2] (sq. ft.)*	*Minimum Lot Width/ Street Frontage [3] (ft.)*	*Minimum Setbacks Principal/Major Accessory (ft.)*				*Minimum Dwelling Separation (ft.)*	*Maximum. Building Height Principal/Major Accessory [7] (ft.)*
			Front [4] [5]	*Least Side [6]*	*Sum of Sides [6]*	*Rear*		
Limited Agricultural (LA)	35 acres	200/50	50/50	50/50	100	50/50	100	36/15
Countryside Res. (CSR)	5 acres	200/50	35/35	50/50	100	50/50	100	36/15
Countryside Res. - Cluster [8] (CSR)	1 acre	150/50	25/25	30/5	60	30/5	60	30/15
Low Density Res. (LDR)	6,000	50/20	25/25[12]	5/5	15	30/5	12	30/15[13]
Medium Density Res. - Detached Units (MDR)	5,000	50/20	25/25[12]	0 or 5/5 [9]	15	30/5	0 or 12 [9]	30/15
Medium Density Res. - Attached Units (MDR)	4,500	45/20	20/20[12]	1 or 5/5 [9]	10	25/5	0 or 10 [9]	30/15
High Density Res. - Detached Units (HDR)	4,500	45/20	20/20	2 or 5/5 [9]	10	25/5	0 or 10 [9]	30/15
High Density Res. - Attached Units (HDR)	2,500 [10]	75, 20 30/20 [11]	30/30	2 or 10/5 [9]	0 or 20[9]	30/5	0 or 20[9]	36/15
Neighborhood Office (NO)	Refer to MDR standards.							
Planned Office (PO)	Refer to MDR standards.							
Neighborhood Com. (NC)	Refer to MDR standards.							
Planned Com. (PC)	Refer to MDR standards.							
General Com. (GC)	Refer to HDR standards.							

TABLE 154.202.1 RESIDENTIAL BULK STANDARDS [1] (Cont'd)	
Downtown Com. (DC)	Refer to HDR standards for attached units.

Footnotes:

(1) See §§ 154.203 and 154.206 for a list of permissible obstructions and exceptions to these standards.
(2) Measured from the existing or official mapped right-of-way line, whichever is furthest from the centerline.
(3) The minimum street frontage requirement may be waived if the City Engineer approves, and the applicant records, an irrevocable access easement.
(4) Lots fronting on rights-of-way with a width of 80 feet or greater shall have a minimum front setback of 40 feet.
(5) For one- and two-family structures with front facing garages, the garages shall be a minimum of 8 feet behind the furthest projecting portion of the front of the dwellings and in all cases shall be a minimum of 2 feet behind the primary front wall line of the dwellings. This requirement may be waived administratively at the discretion of the Planning Department in cases of infill development in existing neighborhoods where appropriate and compatible with surrounding properties.
(6) See § 154.605(F) for buffering and possible additional setback requirements for sides adjoining other zoning districts. Sum of sides requirement does not apply to lots with one sideyard.
(7) Building shall not exceed 2½ stories except for those with attached units in the HDR district, and those where the HDR attached unit standards apply, which shall not exceed 3 stories.
(8) See § 154.406(A)(2) for clustering standards.
(9) Zero feet where property line divides attached buildings.
(10) Minimum development size of 20,000 sq. ft. required.
(11) Multiplex and multi-family structures - 75 feet; townhomes, interior - 20 feet; townhomes, end units - 30 feet.
(12) In the Historic District, a principal structure placed on an existing lot or lots of record shall maintain a front yard equal to, or greater than, the average front yards of buildings located on adjacent lots. If there are no adjacent buildings, then the front yard shall be that setback required by that district.
(13) In the Historic District, if historically appropriate, an accessory building, such as a coachhouse, may be up to 24 feet in height.

(Ord. O-05-04, passed 4-11-05; Am. Ord. O-06-21, passed 6-26-06; Am. Ord. O-09-09, passed 4-13-09; Am. Ord. O-16-13, passed 8-22-16)

§ 154.203 RESIDENTIAL MINOR ACCESSORY STRUCTURES AND OBSTRUCTIONS PERMITTED IN SETBACKS.

Table 154.203.1 provides the minor accessory structures and obstructions permitted within the required setbacks for residential land uses.

TABLE 154.203.1 MINOR ACCESSORY STRUCTURES AND OBSTRUCTIONS PERMITTED IN REQUIRED YARD SETBACKS FOR RESIDENTIAL LAND USES

	ALL SETBACKS	*FRONT SETBACKS*	*SIDE SETBACKS*	*REAR SETBACKS*	*LIMITATIONS [1]*
FENCES, WALLS AND HEDGES [2]					
Fence or Wall		X			Not more than 42 inches in height, no closer than one foot to the property line. All wire fencing prohibited.
Fence or Wall			X	X	Not more than 6 feet in height. All wire fencing prohibited.
Hedge	X				Not more than 16 feet in height.
Retaining Wall	X				Not more than 6 feet in height, terraced slopes to have a minimum 3 feet horizontal distance between walls.

(6) *New parking and circulation areas that are not required.* Shall comply with all provisions of this section except for the number of spaces required as per division (H).

(C) *Location of parking areas.* All parking and traffic circulation areas shall be shown on the site plan required for development of the property.

(1) *Distance from parking being served.* Off-street automobile parking facilities shall be located as specified below. Where a distance is specified, such distance shall be walking distance measured from the nearest point of the parking area to the nearest entrance of the building that the parking area serves.

(a) *One- and two-family dwellings.* On the same lot with the same building they serve.

(b) *Three-family to six-family dwellings.* On the same lot or parcel of land as the building they serve. For the purpose of this requirement, a group of such uses constructed and maintained under common ownership or management shall be assumed to be on a single lot or parcel of land.

(c) *Multifamily buildings containing seven or more dwelling units.* On the same lot or parcel of land as the building they serve, or on a separate lot or parcel of land (under common ownership) not more than 300 feet from the nearest entrance to the main building being served.

(d) *Boarding houses and group/institutional residential uses.* On the same lot or parcel of land as the main building or buildings being served, or upon properties that are contiguous and under common ownership.

(e) *Uses other than those specified above.* On the same lot or parcel of land as the main building being served, or on a separate lot or parcel of land (under common ownership or long-term lease) not over 1,000 feet of any entrance of the main building.

(2) *Off-site parking.* All off-site parking areas shall comply with the provisions of § 154.406(F).

(D) *Use of off-street parking.* The use of all required off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall be used only by operable cars and trucks. Semi/tractor trailers shall be prohibited in all parking areas, except loading areas that comply with § 154.602.

(E) *Traffic circulation and traffic control.* Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the *Manual of Uniform Traffic Control Devices*.

(F) *Installation and maintenance of off-street parking and traffic circulation areas.* All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by §§ 154.401 through 154.407.

(G) *Off-street parking and traffic circulation design standards.*

(1) *Surface and marking.* All open off-street parking areas and driveways, except those accessory to single-family dwellings, shall be improved with either six inches of compacted gravel base surfaced with two inches of asphaltic concrete, or five inches of concrete laid over a firm base or alternative, pervious paving materials over an improved base that provides sufficient bearing capacity. Parking areas intended for six or more parking stalls shall be marked in a manner which clearly indicates the required parking spaces.

(2) *Curbing*. All off-street parking areas designed to have head-in parking adjacent to a landscaped area shall provide a tire bumper or curb of adequate height and which is properly located to ensure that no part of any vehicle will project into the landscape by more that one and one-half feet.

(3) *Lighting*. All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandles is recommended, however, the illumination level shall not exceed the standards of § 154.604.

(4) *Access*. Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 50 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 25 feet. Off-street parking spaces for residential uses may be stacked or in front of one another for the same dwelling unit. Parking spaces located behind an enclosed garage and located directly off a through aisle or alley shall be a minimum of 25 feet deep.

(5) *Signage*. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of this code.

(6) *Handicapped parking spaces*. Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by city, state and federal regulations.

(7) *Parking space design standards*. Other than parking required to serve the handicapped, all off-street parking spaces shall comply with the minimum requirements of Table 154.601.1. The minimum required length of parking spaces shall be 17.5 feet, plus an additional 1.5-foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least seven feet.

(8) *Minimum permitted throat length*. Table 154.601.2 provides the minimum permitted throat length of access drives serving parking lots, as measured from the right-of-way line along the centerline of the access drive.

(9) *Snow storage*. Required off-street parking and traffic circulation areas shall not be used for snow storage.

(10) *Parking lot design standards*. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 154.601.1. Additional design standards apply to group developments as set forth in § 154.406(A).

(11) *Landscaping*. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in § 154.605.

(12) *Locational prohibitions for off-street parking areas*.

(a) No portion of any parking space shall be located within a required front yard, excepting, however, that one required parking space for a dwelling unit may be located within the required front yard when sole access to the unit is from a public street and provided said parking space is located on the driveway affording access to a garage or carport attached to the unit. Any wall, fence or hedge developed around any parking area shall be subject to the front yard setback requirements of this chapter in the same manner as the principal structure.

(b) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan.

(c) No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the City Council in Chapter 72 of this code.

(13) *Alternative parking surfaces and designs*. For land uses with infrequent peak periods, such as, but not limited to, churches and other public assembly venues, alternative parking surfaces and designs may be approved upon administrative review of the site plan. The Zoning Administrator may defer approval to the Zoning Board of Appeals as a special use, or a non-administrative highway development permit if the project is within the Highway Corridor Overlay District. The alternatives may include pervious or semi-pervious surfaces and/or other methods intended to reduce the amount of paving required. To receive approval, the applicant shall clearly demonstrate the low frequency of peak use and that the alternative(s) proposed improve the overall quality and function of the site from both a development and natural resources protection perspective. In approving alternatives, the city may attach all conditions as necessary to ensure the public health, safety, and welfare are protected as intended in this section, including a requirement that the use of the approved alternative(s) be monitored at the applicant's expense and regular reports be provided to the city. The city shall also reserve the right to repeal its approval and require full compliance with all standards and regulations of this section if it finds the alternative(s) fails to function as anticipated.

TABLE 154.601.1 PARKING LAYOUT DIMENSIONS

MINIMUM RESIDENTIAL DIMENSIONS	*PARKING ANGLE IN DEGREES* [a]				
	0° (parallel)	*45°*	*60°*	*75°*	*90°*
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	19.90'	12.7'	10.4'	9.4'	9.0'
Stall Depth to Wall (D)	9.0' [a]	19.8' [a]	21.0' [a]	20.8' [a]	19.0' [a]
Stall Depth to Interlock (DI)	--	13.5'	16.5'	18.4'	19.0'
Stall Length (including 1.5' curb overhang) (SL)	19.0'	19.0'	19.0'	19.0'	19.0'
Aisle Width (AW)	12.0' [b]	12.0' [b]	16.0' [b]	17.20' [b]	26.0' [b]
Throat Length (right-of-way to parking angle (T)	Refer to requirements in Table 154.601.2				
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	21.0'	31.8'	37.0'	38.0'	45.0'
Wall to Wall (Double-Loaded) (W2)	30.0'	51.6'	58.0'	58.8'	64.0'
Wall to Interlock (Double-Loaded) (W3)	--	45.3'	53.5'	56.4'	64.0'
Interlock to Interlock (Double-Loaded) (W4)	--	39.0'	49.0'	54.0'	64.0'

(a) Parking spaces located behind an enclosed garage and located directly off a through aisle or alley shall be at least 25 feet deep.

(b) This dimension represents (AW) for one-way traffic. For two-way traffic, add 8.0 feet to a maximum (AW) of 26.0 feet.

DIAGRAM FOR TABLE 154.601.1
TYPICAL PARKING LAYOUT DIMENSIONS

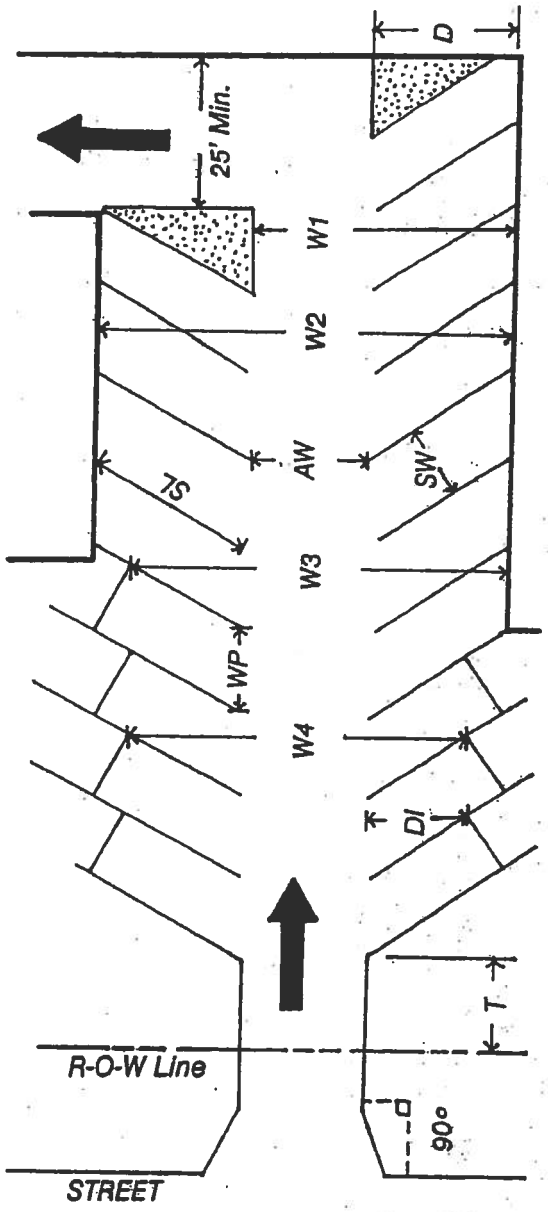


TABLE 154.601.3 MINIMUM REQUIRED PARKING SPACES	
LAND USE	*REQUIRED NUMBER OF PARKING STALLS*
TRANSPORTATION AND UTILITIES	
Airport/Heliport	1 per employee on the largest work shift, plus 1 per 5 passengers based on average daily ridership
Terminal, Freight	1 per employee on the largest work shift
Distribution Center	1 per employee on the largest work shift, plus 1 per 5 passengers based on average daily ridership
STORAGE, WHOLESALE AND INDUSTRIAL	
Storage, Personal	1 per employee on the largest work shift
Storage and Wholesaling, Indoor	1 per 2,000 sq. ft. of gross floor area
Storage and Wholesaling, Outdoor	1 per 10,000 sq. ft. of gross floor area, plus 1 per employee on the largest work shift
Junkyard and Salvage Yard	1 per 20,000 sq. ft. of gross storage area, plus 1 per employee on the largest work shift
Waste Disposal Facility	1 per employee on the largest work shift
Composting Operation	1 per employee on the largest work shift
Industrial, Light	1 per employee on the largest work shift
Industrial, Heavy	1 per employee on the largest work shift
Extraction Use	1 per employee on the largest work shift

(Ord. O-05-04, passed 4-11-05; Am. Ord. O-06-32, passed 10-23-06; Am. Ord. O-16-04, passed 3-14-16)

§ 154.602 OFF-STREET LOADING STANDARDS.

(A) *Purpose.* The purpose of this section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.

(B) *Applicability.* Any use which has a gross floor area of 6,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this section.

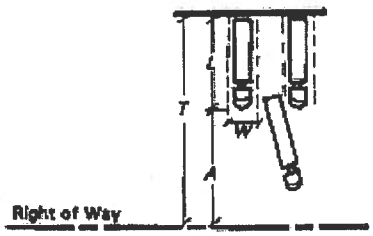
(B) *Location.* No permitted or required loading berth shall be closer than 50 feet to any property in a residential district unless completely enclosed by building walls or a uniformly painted solid fence or wall, or any combination thereof not less than six feet in height. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any two streets. No permitted or required loading berth shall be located in a front yard setback. Loading berths open to the sky may be located in any required yards. A loading dock or separate loading door is not required.

(D) *Site of loading area.* The first required loading berth shall be designed in accordance with Table 154.602.1. All remaining required loading berths shall be a minimum of 25 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet.

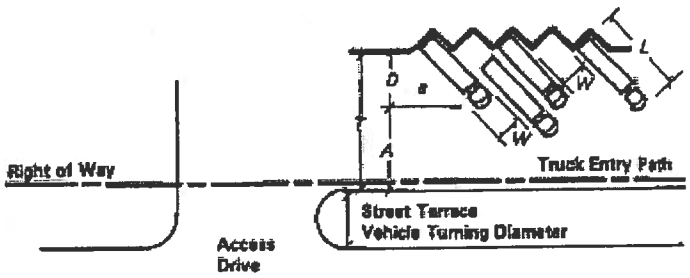
TABLE 154.602.1 LOADING STANDARDS

DESIGN VEHICLE	*LENGTH IN FEET (L)*	*BAY ANGLE (a)*	*CLEARANCE IN FEET (D)*	*BERTH WIDTHS IN FEET (W)*	*APRON SPACE IN FEET (A)*	*TOTAL OFFSET IN FEET (T)*
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

90 Degree Bays



Sawtooth Bays



hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA).

(1) These two terms are synonymous. Those lands within the jurisdiction of the city, the extraterritorial jurisdiction of the city, or that may be annexed into the city, that are subject to inundation by the base flood. The floodplains of the city are generally identified as such on panel numbers 17085C0240, 17085C0245, and 17085C0250 of the countywide Flood Insurance Rate Map of Jo Daviess County prepared by the Federal Emergency Management Agency and dated December 2, 2015. Floodplain also includes those areas of known flooding as identified by the community.

(2) The floodplains of those parts of unincorporated Jo Daviess County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the flood insurance rate map prepared for Jo Daviess County by the Federal Emergency Management Agency and dated December 2, 2015.

FLOOD PROOFING. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOODPROOFING CERTIFICATE. A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION (FPE). The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

FLOODWAY. That portion of the floodplain required to store and convey the base flood. The floodway shall be according to the best data available from federal, state, or other sources.

FREEBOARD. An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HAZARDOUS MATERIALS. Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a present or potential hazard to human health and safety or to the environment whether in use, storage, or transit.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

(4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR. Illinois Department of Natural Resources/Office of Water Resources.

IDNR/OWR JURISDICTIONAL STREAM. Illinois Department of Natural Resources Office of Water Resources has jurisdiction over any stream serving a tributary are of 640 acres or more in an

urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill. Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in § 155.006.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 155.007.

MANUFACTURED HOME. A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP. National Flood Insurance Program.

RECREATIONAL VEHICLE OR TRAVEL TRAILER. A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less in size; and

(3) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA. See definition of ***FLOODPLAIN***.

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STRUCTURE. See definition of ***BUILDING***.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten year period equals or exceeds 50% of the market value of the structure

before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes ***REPETITIVE LOSS*** buildings (see definition above).

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or improvement of a structure taking place during a ten year period in which the cumulative percentage of improvements: equals or exceeds 50% of the market value of the structure before the improvement or repair is started; or increases the floor area by more than 20%. ***SUBSTANTIAL IMPROVEMENT*** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done. The term does not include:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(2) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.
(Ord. O-10-24, passed 8-23-10; Am. Ord. O-15-10, passed 10-13-15)

§ 155.003 BASE FLOOD ELEVATION.

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for the floodplains of the Galena River and Hughlett Branch shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Jo Daviess County prepared by the Federal Emergency Management Agency and dated December 2, 2015.

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Jo Daviess County.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Jo Daviess County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated Jo Daviess County that are within the extraterritorial jurisdiction of the city, or that may be annexed into the city, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Jo Daviess County prepared by the Federal Emergency Management Agency and dated December 2, 2015.
(Ord. O-10-24, passed 8-23-10; Am. Ord. O-15-10, passed 10-13-15)

§ 155.004 DUTIES OF THE ZONING ADMINISTRATOR.

The Zoning Administrator shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the city meet the requirements of this chapter. Specifically, the Zoning Administrator shall:

(A) Process development permits in accordance with § 155.005;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 155.006;

(C) Ensure that the building protection requirements for all buildings subject to § 155.007 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood proof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of § 155.008;

(E) Ensure that water supply and waste disposal systems meet the public health standards of § 155.009;

(F) If a variance is requested, ensure that the requirements of § 155.010 are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all penalty actions outlined in § 155.999 as necessary to ensure compliance with this chapter;

(H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;

(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;

(M) Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and

(N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.
(Ord. O-10-24, passed 8-23-10)

§ 155.005 DEVELOPMENT PERMIT.

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(A) General development shall not occur in the floodplain where alternative locations exist. Before a permit is issued, the applicant shall demonstrate that:

(1) No reasonable alternative exists outside the floodplain;

(2) Encroachment in the floodplain is the minimum necessary;

(3) The development will withstand the 100-year flood without significant damage; and,

(4) The development will not increase downstream or upstream flooding or erosion.

(5) In the floodplain no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with the standard engineering practice by a licensed Illinois State engineer that the proposed encroachment would not result in any increase in the 100-year flood elevation.

(B) Once the applicant has demonstrated the provisions of division (A) of this section, the application for a development permit shall be accompanied by:

(1) Drawings of the site, drawn to scale showing property line dimensions;

(2) Existing grade elevations and all changes in grade resulting from excavation or filling;

(3) The location and dimensions of all buildings and additions to buildings;

(4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 155.007; and

(5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(C) (1) Upon receipt of an application for a development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that is shown to be below the current base flood elevation is subject to the provisions of this chapter. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current flood insurance rate map, is subject to the provisions of this chapter. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first flood insurance rate map is not in the floodplain and therefore not subject to the provisions of this chapter.

(2) The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

(3) The Zoning Administrator shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Zoning Administrator shall not issue a permit unless all other federal, state, and local permits have been obtained.
(Ord. O-10-24, passed 8-23-10; Am. Ord. O-15-10, passed 10-13-15) Penalty, see § 155.999

§ 155.006 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within any floodway identified on the countywide flood insurance rate map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in division (B) of this section, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2.

(2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3.

(3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4.

(4) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit Number 5.

(5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6.

(6) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit Number 7.

(7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8.

(8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9.

(9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10.

(10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11.

(11) Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR statewide Permit Number 12.

(12) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit Number 13.

(13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.

(B) Other development activities not listed in division (A) of this section may be permitted only if:

(1) Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

(Ord. O-10-24, passed 8-23-10; Am. Ord. O-15-10, passed 10-13-15) Penalty, see § 155.999

§ 155.007 PROTECTING BUILDINGS.

(A) *All buildings.* In addition to the damage prevention requirements of § 155.006, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building or alteration or addition to an existing building valued at more than $1,000 or 70 square feet.

(2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20% or equal or exceed the market value by 50%. Alteration shall be figured cumulatively during a ten-year period. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a ten-year period. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.

(4) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

(5) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.

(6) Repetitive loss to an existing building as defined in § 155.002.

(B) *Residential or non-residential buildings* can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent land fill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;

(d) The fill shall be composed of rock or soil and not include debris or refuse material; and

(e) Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.

(2) The building may be elevated on solid walls in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

(b) All components located below the flood protection elevation shall be constructed of materials resistant to flood damage.

(c) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

(d) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade with a minimum of two openings. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation, and

(e) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

1. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

2. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

3. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

(3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from

hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.

(c) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.

(d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four feet at any point.

(e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

(g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) *Non-residential buildings* may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

(1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

(2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

(3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this division.

(D) *Manufactured homes or travel trailers* to be permanently installed on site shall be:

(1) Elevated to or above the flood protection elevation in accordance with division (B) of this section; and

(2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

(E) *Travel trailers and recreational vehicles* on site for more than 180 days per year shall meet the elevation requirements of division (D) of this section unless the following conditions are met:

(1) The vehicle must be either self-propelled or towable by a light duty truck.

(2) The hitch must remain on the vehicle at all times.

(3) The vehicle must not be attached to external structures such as decks and porches.

(4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.

(5) The vehicles largest horizontal projections must be no larger than 400 square feet.

(6) The vehicle's wheels must remain on axles and inflated.

(7) Air conditioning units must be attached to the frame so as to be safe for movement off of the floodplain.

(8) Propane tanks as well as electrical and sewage connections must be quick-disconnect.

(9) The vehicle must be licensed and titled as a recreational vehicle or park model.

(10) Must either:

(a) Entirely be supported by jacks, or

(b) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

(F) *Garages, sheds or other minor accessory structures* constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

(1) The garage or shed must be non-habitable.

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

(3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.

(4) The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

(7) The garage or shed must have at least one permanent opening on each wall not more than one foot above grade with one square inch of opening for every one square foot of floor area.

(8) The garage or shed must be less than $15,000 in market value or replacement cost whichever is greater or less than 576 square feet.

(9) The structure shall be anchored to resist floatation and overturning.

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
(Ord. O-10-24, passed 8-23-10; Am. Ord. O-15-10, passed 10-13-15) Penalty, see § 155.999

§ 155.008 SUBDIVISION REQUIREMENTS.

The City Council shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of §§ 155.006 and 155.007. Any proposal for such development shall include the following data:

(1) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act, ILCS Ch. 765, Act 205, § 2.

(B) Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

(C) To avoid flood damage and to protect the natural and beneficial floodplain functions, new flood prone building sites shall not be permitted in floodplain areas. Each new lot shall have a suitable building site outside the floodplain.
(Ord. O-10-24, passed 8-23-10) Penalty, see § 155.999

§ 155.009 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 155.006 and 155.007 the following standards apply:

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of § 155.007.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

(5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
(Ord. O-10-24, passed 8-23-10) Penalty, see § 155.999

§ 155.010 CARRYING CAPACITY AND NOTIFICATION.

(A) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

(B) In addition, the city shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.
(Ord. O-10-24, passed 8-23-10) Penalty, see § 155.999

§ 155.011 VARIANCES.

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Zoning Board of Appeals. The Zoning Board of Appeals may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain.

(2) An exceptional hardship would result if the variance were not granted.

(3) The relief requested is the minimum necessary.

(4) There will be no additional threat to public health, safety or creation of a nuisance.

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP.

(7) All other state and federal permits have been obtained.

(B) The Zoning Administrator shall notify an applicant in writing that a variance from the requirements of the building protections standards of § 155.007 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage;

(2) Increase the risk to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) *Historic structures.* Variances to the building protection requirements of § 155.007 which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "historic structures", may be granted using criteria more permissive than the requirements of §§ 155.006 and 155.007 subject to the conditions that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

(2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) *Agriculture.*

(1) Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this chapter.

(2) In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-proofed:

(a) All agricultural structures considered for a variance from the floodplain management regulations of this chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.

(b) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's flood insurance rate map (FIRM).

(c) For any new of substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with § 155.007.

(d) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with § 155.007. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(e) Any mechanical, electrical or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with § 155.007(B).

(f) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with § 155.007(B).

(g) The agricultural structures must comply with the floodplain management floodway provisions of § 155.006. No variances may be issued for agricultural structures within any designated floodway.

(h) Wet-proofing construction techniques must be reviewed and approved by the Floodplain Administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.
(Ord. O-10-24, passed 8-23-10; Am. Ord. O-15-10, passed 10-13-15)

§ 155.012 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the city or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.
(Ord. O-10-24, passed 8-23-10)

§ 155.013 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the city to fulfill the requirements of the National Flood Insurance Program including: Ordinance O-99-06, passed 5-24-1999; amended by Ordinance O-05-16, passed 5-23-2005; amended by Ordinance O-10-24, passed 8-23-2010. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility

eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. O-10-24, passed 8-23-10; Am. Ord. O-15-10, passed 10-13-15)

§ 155.999 PENALTY.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the Zoning Administrator may determine that a violation of the minimum standards of this chapter exists. The Zoning Administrator shall notify the owner in writing of such violation.

(A) If such owner fails after ten days notice to correct the violation:

(1) The city shall make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with the chapter.

(2) Any person who violates this chapter shall upon conviction thereof be fined not less than $50 or more than $750 for each offense.

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(4) The city shall record a notice of violation on the title of the property.

(B) (1) The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(2) The Zoning Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

(3) No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

(a) The grounds for the complaint, reasons for suspension or revocation; and

(b) The time and place of the hearing.

(4) At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
(Ord. O-10-24, passed 8-23-10)

[Next chapter begins on page 359.]

Ord. No.	*Date Passed*	*Description*
O-98-14	6-8-98	Annexing 1.09 acres of territory.
O-98-15	6-8-98	Annexing 6.15 acres of territory.
O-98-16	6-8-98	Annexing 0.36 acres and 0.13 acres of territory.
O-99-03	4-12-99	Annexation agreement.
O-99-04	4-12-99	Annexing 190 acres of territory.
O-99-16	11-22-99	Annexation agreement.
O-99-17	11-22-99	Annexing certain territory comprised of 19.63 acres.
O-00-21	9-25-00	Authorizing the execution of an annexation agreement with Brian Jackson, re: 1.245 acres of land located in Lot 1 of Jackson Place.
O-00-22	9-25-00	Annexing 1.245 acres of land located in Lot 1 of Jackson Place.
O-00-36	11-27-00	Authorizing the execution of an annexation agreement with Jack Coulter and Basil Conroy.
O-00-37	11-27-00	Annexing 5.81 acres of land described in petition of Jack Coulter and Basil Conroy.
O-01-05	4-23-01	Annexing 44.706 acres of territory for wastewater treatment plant site.
O-01-25	12-26-01	Annexation agreement.
O-01-26	12-26-01	Annexing 1.43 acres of territory on US Highway 20 on the east side of the Galena River in East Galena Township.
O-02-20	8-12-02	Annexation agreement.
O-02-21	8-12-02	Annexing 3.029 acres on US Highway 20 and Red Gates Road on the west side of the Galena River.
O-02-28	10-28-02	Annexation agreement.

Ord. No.	*Date Passed*	*Description*
O-02-29	10-28-02	Annexing 22.38 acres off US Highway 20 and Oldenburg Lane northwest of the Pluym commercial subdivision on the west side of the Galena River.
O-03-13	5-6-03	Amendment to annexation agreement regarding the Scenic Meadows subdivision.
O-05-03	3-28-05	Authorizing execution of Pre-Annexation Agreement between city and Paul and Deb Studtman for 1.875 acres.
O-07-14	6-25-07	Authorizing execution of an annexation agreement with James and William Miller.
O-07-19	7-23-07	Authorizing execution of an annexation agreement with Deborah and Paul Studtmann.
O-07-20	7-23-07	Annexing 7.23 acres of territory between Powder House Hill Road and Saturn Lane in East Galena Township.
O-08-16	9-8-08	Annexing 19,999 square feet, the Jan and Loraine Svec property.
O-08-24	12-8-08	Annexing 120 acres east of Route 20 and south of the Galena Golf Club in Rawlins Township.
O-11-22	8-22-11	Annexing 48.56 acres commonly known as the Palace Campground (rescinded by Ord. O-16-11, passed 7-25-16).
O-11-23	8-22-11	Annexing 48.56 acres on US Highway 20 on the west side of the Galena River in Rawlins Township.
O-12-11	5-29-12	Amending annexation agreement for a development known as Scenic Meadows.
O-12-20	10-22-12	Annexing 5.5 acres along the Galena River in East Galena Township.
O-12-21	10-22-12	Annexing 100 acres in East Galena Township known as Gateway Park.
O-12-22	10-22-12	Annexing 25.25 acres in East Galena Township known as the Buehler Preserve.

Ord. No.	*Date Passed*	*Description*
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.

TABLE II: DEDICATIONS

Ord. No.	*Date Passed*	*Description*
O-96-11	7-8-96	Accepting the dedication of the property located on the south corner of Washington Street and Division Street and legally described as Lot 16, Block 61 of Hempstead's Sublots
O-00-03	2-14-00	Providing for the dedication of streets, sewer and water distribution system of the Shadow Bluff Development to the city.
O-00-15	6-26-00	Providing for the dedication of streets, sewer and water distribution system from the Chains and Links Subdivision to the city.
O-01-12	6-25-01	Providing for the dedication of Technical Drive (including its water, sewer, and storm water distribution systems) to the city.
O-01-14	7-9-01	Providing for Chains and Links, Inc.'s dedication of Maiden Alley to the city.
O-02-36	12-23-02	Accepting the dedication of Oldenburg Lane including the sewer mains, lift station, water mains and storm water systems located thereon.
O-07-28	10-13-07	Dedicating the right-of-way, part of Lot 1 of Chains and Links Subdivision Number 2, as an extension of Technical Drive.
O-15-14	12-14-15	Accepting the dedication of the public streets, sanitary sewer system, water distribution system, and storm water system in the Cobblestone Crossing Subdivision.

TABLE VII: VACATIONS

Ord. No.	*Date Passed*	*Description*
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.

Ord. No.	*Date Passed*	*Description*
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.

TABLE IX: ZONING MAP AMENDMENTS

Ord. No.	*Date Passed*	*Description*
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

Ord. No.	*Date Passed*	*Description*
O-03-40	11-10-03	Zoning map amendment
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
O-11-07	2-14-11	Zoning map amendment
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

Ord. No.	*Date Passed*	*Description*
O-13-06	5-15-13	Abating certain taxes heretofore levied by the city.
O-13-07	5-15-13	Abating certain taxes heretofore levied by the city.
O-13-08	5-28-13	Authorizing the sale of municipally owned personal property.
O-13-17	11-12-13	Authorizing execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-13-18	12-9-13	Levying taxes for all corporate purposes for the city.
O-14-02	1-13-14	Abating certain taxes heretofore levied by the city.
O-14-03	1-13-14	Abating certain taxes heretofore levied by the city.
O-14-04	1-13-14	Abating certain taxes heretofore levied by the city.
O-14-10	7-28-14	Authorizing the sale of municipally owned personal property.
O-14-13	9-22-14	Authorizing the sale of municipally owned personal property.
O-14-18	11-24-14	Granting Jo Carroll Energy an electric franchise.
O-14-19	11-24-14	Levying taxes for all corporate purposes for the city.
O-15-05	4-6-15	Abating certain taxes heretofore levied by the city.
O-15-06	4-6-15	Abating certain taxes heretofore levied by the city.
O-15-07	4-6-15	Abating certain taxes heretofore levied by the city.

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O-15-11	11-9-15	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O-15-13	12-14-15	Levying taxes for all corporate purposes for the city.
O-15-17	12-28-15	Abating certain taxes heretofore levied by the city.
O-15-18	12-28-15	Abating certain taxes heretofore levied by the city.
O-15-19	12-28-15	Abating certain taxes heretofore levied by the city.
O-16-01	1-11-16	Authorizing the sale of municipally owned personal property.
O-16-03	2-8-16	Authorizing an addendum to the Mutual Aid Box Alarm System Agreement.
O-16-05	3-14-16	Naming Bostwick Street.
O-16-07	5-9-16	Authorizing the sale of municipally owned personal property.

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O-11-33	12-12-11	T.S.O. XI
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O-12-01	2-13-12	75.11
O-12-02	3-12-12	111.20
O-12-03	3-26-12	T.S.O. IX
O-12-04	3-26-12	51.009, 51.010, 51.012, 51.015
O-12-05	3-26-12	114.04
O-12-06	4-9-12	T.S.O. X
O-12-07	4-9-12	T.S.O. X
O-12-08	4-9-12	T.S.O. X
O-12-09	4-23-12	T.S.O. XI
O-12-10	4-9-12	153.02, 153.42, 153.43, 153.59
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O-12-12	6-11-12	T.S.O. X
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O-12-20	10-22-12	T.S.O. I
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O-12-22	10-22-12	T.S.O. I
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O-12-27	12-10-12	T.S.O. XI
O-12-28	12-26-12	110.02, 110.39, 110.99
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O-13-05	5-15-13	T.S.O. XI
O-13-06	5-15-13	T.S.O. XI
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O-13-08	5-28-13	T.S.O. XI
O-13-11	6-10-13	40.01
O-13-12	6-24-13	111.20
O-13-12(B)	9-8-13	114.04
O-13-13	11-25-13	T.S.O. VII
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O-13-15	11-12-13	T.S.O. VI
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O-14-05	3-24-14	154.015, 154.403, 154.406
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O-14-19	11-24-14	T.S.O. XI
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O-15-01	1-26-15	T.S.O. VII
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O-15-06	4-6-15	T.S.O. XI
O-15-07	4-6-15	T.S.O. XI
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O-15-09	6-22-15	40.01
O-15-10	10-13-15	155.002, 155.003, 155.005—155.007, 155.010, 155.014
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O-15-17	12-28-15	T.S.O. XI
O-15-18	12-28-15	T.S.O. XI
O-15-19	12-28-15	T.S.O. XI
O-16-01	1-11-16	T.S.O. XI
O-16-02	1-25-16	110.39
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O-16-04	3-14-16	154.601
O-16-05	3-14-16	T.S.O. XI
O-16-06	5-9-16	T.S.O. VII
O-16-07	5-9-16	T.S.O. XI
O-16-08	6-13-16	T.S.O. I
O-16-09	6-27-16	40.01
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O-16-11	7-25-16	T.S.O. I
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