

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, Hahn, Kieffer,
Westemeier, Bernstein

None

Renner

(SEAL)


Todd Lincoln, Mayor Pro Tem

ATTEST:

Mary Beth Hyde, City Clerk

CITY OF GALENA, ILLINOIS

CODE OF ORDINANCES

Contains 2015 S-14 Supplement, current through:
Ordinance O-15-09, passed 6-22-15, and
State legislation through 2014 ALS #6

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
City Treasurer	Cindy Pepple

Alderpersons

Jerry Kieffer	Robert Hahn
Charles Fach	Todd Lincoln
Jerry Westemeier	Pam Bernstein



ORDINANCE NO. O-14-09

**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 Thirteenth 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 Thirteenth 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 14th day of July, 2014.

AYES: Kieffer, Lincoln, Painter, Greene

NAYS: None

ABSENT: Bernstein, Fach, Renner

Terry Renner /s/
Terry Renner, Mayor

(SEAL)

ATTEST:

Mary Beth Hyde /s/
Mary Beth Hyde, City Clerk

**GALENA, ILLINOIS
CODE OF ORDINANCES
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**GENERAL PROVISIONS RELATED TO
WATER AND SEWER SYSTEMS**

§ 51.001 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The Administrator of the United States Environmental Protection Agency.

APPROVING AUTHORITY. The City of Galena.

BASIC USER RATE. The charge levied on users of treatment works for the cost of operation and maintenance.

BOD (denoting **BIOCHEMICAL OXYGEN DEMAND**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in milligrams per liter.

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

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal.

CITY. The City of Galena and its duly authorized officials.

COMBINED SEWER. A sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

CONTROL MANHOLE. A structure located on a site from which industrial wastes are discharged. Where feasible, the **MANHOLE** shall have an interior drop. The purpose of a **CONTROL MANHOLE** is to provide access for the city representative to sample and/or measure discharges.

DIRECTOR. The Director of the Illinois Environmental Protection Agency.

EASEMENT. An acquired legal right for the specific use of land owned by others.

EFFLUENT CRITERIA. Defined in any applicable NPDES permit.

FEDERAL ACT. The Federal Water Pollution Control Act (33 USC 1251 et seq.) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L 92-500) and (Pub. L 93-243).

FEDERAL GRANT. The United States government participation in the financing of the construction of treatment works as provided for by Title II - Grants for Construction of Treatment Works of the Act and implementing regulations.

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

(a) Is utilized for the land filling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris;

(b) Stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances;

(c) Stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance;

(d) Stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets;

(e) Stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

(f) Is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act.

SETBACK ZONE. A geographic area, designated pursuant to this Act, containing a potable water supply well or a potential source or potential route having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters.

(C) Prohibitions.

(1) Except as provided in division (D) or (E) below, no person shall place a new potential source, new potential secondary source, or new potential route within the minimum setback zone. See attachments to Ordinance No. O-08-13, passed August 25, 2008, for wells #5, #6 and #7.

(2) Except as provided otherwise in division (D) below, no person shall place a new potential primary source within the maximum setback zone. See attachments to Ordinance No. O-08-13, passed August 25, 2008, for wells #5, #6 and #7.

(D) Waivers, exceptions, and certifications of minimal hazard.

(1) If, pursuant to ILCS Ch. 415, Act 5, § 14.2(b), the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from division (C)(1) above.

(2) If, pursuant to ILCS Ch. 415, Act 5, § 14.2(c), the owner of a new potential primary source (other than land filling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from division (C)(1) above.

(3) If, pursuant to ILCS Ch. 415, Act 5, § 14.2(c), the owner of a new potential primary source (other than land filling or land treating), is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from division (C)(2) above.

(4) If, pursuant to ILCS Ch. 415, Act 5, § 14.5, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to division (C)(1) above to the same extent that such owner is not subject to ILCS Ch. 415, Act 5, § 14.2(d).

(E) Exclusions. Division (C)(1) above shall not apply to new common sources of sanitary pollution as specified pursuant to ILCS Ch. 415, Act 5, § 17 and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

(Ord. O-08-13, passed 8-25-08)

§ 51.005 DUTY OF OWNER OR OCCUPANT TO CONNECT WATER AND SEWER LINES.

Subject to § 51.025, it shall be the duty of the owner, occupant or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any building of any other character located on property abutting and contiguous and within 300 feet of the public waterworks and sewerage system, to cause such house, structure, factory, industrial or commercial establishment or any building of any other character to be connected with the waterworks and sewerage system within one year from the date that water or sewer facilities become abutting and contiguous to such property. In turning water on or off, the city shall not be responsible for any damage whatsoever, whether occurring by reason of improper fixtures, open or improper connections, or for any other reasons or by any other causes. (Ord. O-09-20, passed 8-24-09)

§ 51.006 FINDING OF NECESSITY; SYSTEMS DECLARED COMBINED.

(A) It is hereby found, determined and declared necessary for the best interests of this city that the existing waterworks system of said city and the existing sanitary sewerage system of said city be combined into a single utility to be known and designated as the combined waterworks and sewerage system of the city.

(B) All property real, personal and mixed, comprising the new existing waterworks system and sanitary sewerage system of the city is hereby found, determined and declared to constitute the properties of the combined waterworks and sewerage system of the city. (Ord. O-09-20, passed 8-24-09)

§ 51.007 OPERATION BY CITY.

The waterworks system and the sanitary sewerage system shall be owned and operated by this

city as a combined utility, known as the combined waterworks and sewerage system of the city, and all improvements and extensions to said waterworks or sewerage systems, either or both, shall be considered as improvements and extensions to said combined utility; and all the properties, assets, obligations and liabilities, of all kinds, of said waterworks system and of said sanitary sewerage system, existing, outstanding and accruing or to accrue, shall be held, used, confessed and acknowledged as the properties assets, obligations and liabilities of said combined utility. (Ord. O-09-20, passed 8-24-09)

§ 51.008 SERVICE AREA.

The city shall furnish sanitary sewer service and/or water service from the combined waterworks and sewerage system only to those lands lying within the corporate limits of the city. However, sanitary sewer service and/or water service may be furnished to areas outside the corporate limits in the following circumstances:

(A) To areas or land lying outside of the corporate limits of the city which were receiving sanitary sewer service as of December 8, 2014.

(B) To areas or land lying outside of the corporate limits to which the city is obligated to furnish city sanitary sewer and/or water service by virtue of an existing written agreement.

(C) Areas or lands which are not within the corporate limits of the city and which are not contiguous to the city but which have owners who will execute an agreement to annex to the city at such time as their land becomes contiguous to the corporate limits of the city.

(D) Areas or lands which are not within the corporate limits of the city but are contiguous to the said corporate limits only at such time as the owners of said lands annex said lands to the city. (Ord. O-14-20, passed 12-8-14)

§ 51.009 RATES AND CHARGES ESTABLISHED.

There shall be and there are hereby established rates or charges for the use of and for the service supplied by the combined waterworks and sewerage system of the city, based upon the amount of water consumed, as shown by the water meters, as follows:

(A) *Water service.* For each user of the water service of the combined waterworks and sewerage system, the charges per monthly period shall be set by the city from time to time and approved by appropriate resolution or ordinance.

(B) *Sewer service.* For each user of the sewer service of the combined waterworks and sewerage system, the charges per monthly period shall be set by the city from time to time and approved by appropriate resolution or ordinance.

(C) *Residential and commercial sewer service.* The city shall from time to time by appropriate resolution or ordinance set the charges that shall be effective for each monthly period for the residential and commercial users for sewer service who are not also users of the water service and therefore do not have water meters.

(D) *Service outside corporate limits.* Each user of the water and/or sewer service described herein of the city located outside the corporate limits of the city, but contiguous to said corporate limits shall have 100% added to the bill rendered for the type of service received. Each user of the water and/or sewer services described herein of the city located outside the corporate limits of the city, not contiguous to said corporate limits shall have 50% added to the bill rendered for the type of service received.

(E) *Multiple users served by single meter.* In cases where a single water meter measures water use for more than one unit in a building with multiple units, a monthly base fee shall be charged to the owner of the building for each unit, irrespective of the type of occupancy or whether the unit is occupied. (Ord. O-09-20, passed 8-24-09; Am. Ord. O-12-04, passed 3-26-12) Penalty, see § 51.999

§ 51.010 OWNER LIABLE FOR CHARGES.

The owner of the premises shall make application to the city for service and be liable to pay for the service on such premises and the service is furnished to the premises by the city only upon the condition that the owner of the premises shall be liable thereto to the city. In no circumstance shall anyone other than the owner of the premises make application for service or be furnished service by the city.

(Ord. O-09-20, passed 8-24-09; Am. Ord. O-12-04, passed 3-26-12) Penalty, see § 51.999

§ 51.011 BILLS.

(A) *When due and payable.* Rates and charges for water and sewer service shall be payable monthly.

(B) *Penalty charges.* All bills for service shall be rendered as of the first day of the monthly period succeeding the period for which the service is billed, and shall be payable not later than the close of business on the fifteenth day of the date of the bill. If payment of the full amount of the bill is not made within said period, then a penalty charge of 10% of the portion of the bill not timely paid shall be added thereto on a monthly basis until paid in full.

(C) *Checks returned.* Checks returned due to insufficient funds shall be charged an additional penalty as determined by the City Council from time to time by resolution or ordinance. Such penalty shall be charged for each occurrence.

(Ord. O-09-20, passed 8-24-09)

§ 51.012 DELINQUENT CHARGES; DISCONTINUATION OF SERVICE.

(A) *Lien.* In the event that such charges are not paid within 30 days after the date of the bill for such service, such charges shall be deemed and hereby are declared to be delinquent and, thereafter, such delinquencies shall constitute liens upon the real estate for which service is supplied. The city shall send to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number: (i)

a delinquency notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent and are due in full to prevent disconnection of service by the city, and (ii) a notice that failure to pay all unpaid account charges or rates may create a lien on the real estate under this section. Such lien shall be subject to the rights of any purchaser, mortgagee, judgment creditor, or other lien holder arising prior to the filing of the notice of such a lien in the office of the Recorder of Deeds of Jo Daviess County. This notice shall consist of a sworn statement setting out (1) a description of such real estate sufficient for the identification thereof, (2) the amount of money due for such service, and (3) the date when such amount became delinquent. The City Clerk shall send a copy of the notice of the lien to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number by registered mail, return receipt requested. The city may foreclose this lien in the same manner and with the same effect as in the foreclosure of mortgages on real estate. The city may, from time to time, sue the owner of record or occupant or user of the real estate in a civil action to recover the money due for services rendered, plus a reasonable attorney's fee, to be fixed by the court. Whenever a judgment is entered in such a civil action the foregoing provisions in this section with respect to filing sworn statements of such delinquencies in the office of the Recorder and creating a lien against the real estate shall not be effective thereafter as to charges sued upon and no lien shall exist thereafter against the real estate for the delinquency. Judgment in such a civil action operates as a release and waiver of the lien for the amount of the judgment.

(B) *Repayment contract.* Users who become delinquent with payments and cannot make the payment in full, may at the city's sole discretion enter into a repayment contract with the city. Said agreement shall set forth the terms of the repayment of delinquent charges as well as penalties to be charged therein. The city shall consider the financial status of the use, frequency of delinquencies and the amount of charges due the city in determining whether to offer a repayment contract to the user. In no case shall the repayment term exceed six months. Users

failure to abide by the agreement shall void the contract, accelerate amounts due and subject the user to a water shutoff without further notice.

(C) *Deposits required.* The city may require a cash deposit as set by the city of those consumers who are frequently delinquent with their payments. For the purposes of this division, **FREQUENTLY DELINQUENT** means not being current with service charges for three billing periods in any fiscal year.

(D) *Hearing procedure.*

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, service will be discontinued; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in an amount to be set by the City Council from time to time by resolution or ordinance.

(Ord. O-09-20, passed 8-24-09; Am. Ord. O-12-04, passed 3-26-12) Penalty, see § 51.999

§ 51.013 FURNISHING OF FREE SERVICES PROHIBITED.

Subject to appropriate action by the city, no free service of the combined waterworks and sewerage system of the city shall be furnished to any person, firm, organization or corporation public or private except that free service shall be provided to:

(A) Buildings and structures owned and operated by the city.

(B) The Galena Fire Department, when engaged in fire fighting, training exercises or flushing.

(C) Individual property owners for water used by the Galena Fire Department during the fighting of a fire on that owner's property.

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.014 METERS.

(A) Every user of the combined waterworks and sewerage system of the city shall have a metered water connection to said system. In the event any commercial user of the system has a private source of water, then such private source of water shall be metered in a manner approved by the city. In the event any industrial user of the system with a private source of water discharges effluent into the system, then the volume of effluent so discharged shall be metered in a manner approved by the city.

(B) It is hereby declared to be the policy of the city to require the installation of water meters and remote read devices for every use of the combined waterworks and sewerage system. To that end the city shall from time to time order the installation of water meters of appropriate size and type in accordance with the rules and regulations of the city to be installed in any portion or section of the city or to any user of said system, said order to specify the time limit in which said meters shall be installed and in operation.

(C) No new or additional water service shall be permitted by the city unless the same shall be metered by a water meter of appropriate type and size in accordance with the rules and regulations of the city. The applicant for service shall install, maintain and replace when necessary said meter at his or her own expense. The city shall furnish a water meter or equivalent credit only. The property owner shall pay the cost of any new meter and remote read device installed after June 1, 2009.



(D) Said meters shall be installed on the premises of the consumer in accordance with the rules and regulations of the city.

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.015 CONNECTIONS.

(A) *Permit from city.*

(1) No connection shall be made with the combined waterworks and sewerage system without the written permission of the city. Any connection or opening made with the waterworks and sewerage system without such permission or in any manner different from the mode prescribed for such opening or connection shall subject the maker to a penalty as hereinafter provided.

(2) No connection permit shall be valid for more than six months from the date of issue.

(3) No person, other than a duly authorized employee of the city, the Galena Fire Department or other fire departments operating under the direction of the Galena Fire Department shall operate, tamper with, connect to or make disconnection from any fire hydrant connected to the waterworks system of the city.

(4) Each connection to the waterworks system shall have an operable and fully functioning shutoff valve and buffalo box on the water service between the main and the building. When the city becomes aware that any part of the service connection, including the service pipe, shutoff valve, or buffalo box, are not operable or functioning, the city shall provide written notice to the owner of the property ordering the repair. The repair shall be completed within 30 days of notice from the city, or in the case the defect is discovered while the ground is frozen, not later than April 1. If the owner of the property fails to commence or complete the required repair within 30 days or by April 1, whichever the applicable date may be, the city will complete the

repair and the owner shall be liable to the city for the cost of the repair plus an administrative fee. In the event the city completes the required repair, the service shall not be turned on until the account balance and all repair costs and fees are paid in full. Failure to pay the account balance and all costs and fees shall constitute liens upon the real estate for which service is supplied in accordance with § 51.012 of this code.

(5) The property owner shall pay for the labor and material required for installing, maintaining and replacing the water or sewer service (including the connection) from the main to the residence or premises including, but not limited to, any required valves, buffalo box, service line or other required materials or equipment in the manner prescribed by the city; however, the city shall furnish a water meter or equivalent credit. The property owner shall pay the cost of any new meter and remote read device.

(B) *Permit fees.*

(1) Fees for connection to the waterworks or sewerage system for all buildings constructed after the date of this section shall be based upon the amounts set by the city from time to time by appropriate resolution or ordinance.

(2) For those property owners who have their own well as their water supply, the cost to connect to the sewerage system shall be based upon the size of the water pipe connecting said well to their building.

(3) The fee for connection to the waterworks or sewerage system for those buildings existing on the date of this section which are not yet connected shall be set by the city from time to time by appropriate resolution or ordinance.

(4) In order to encourage installation of sprinkler systems in appropriate buildings located throughout the city, the fee for connection to the waterworks system for sprinkler systems of any type or size shall be set by the city from time to time by appropriate resolution or ordinance.

(5) If the connection to the waterworks or sewerage system is not made in accordance with the time limit specified in division (A) above, a new connection permit and fee shall be required.

(6) Temporary connection to fire hydrant except for city or Fire Department use shall be subject to a fee set by the city from time to time by appropriate resolution or ordinance.

(7) Failure to comply with the provisions of this section shall lead to a penalty in the form of an additional fee in an amount equal to 100% of the original fee set forth above as the case may be. (Ord. O-09-20, passed 8-24-09; Am. Ord. O-12-04, passed 3-26-12) Penalty, see § 51.999

§ 51.016 CROSS-CONNECTIONS.

See Chapter 152 of the Galena Code of Ordinances. (Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.017 RIGHT OF ACCESS BY SYSTEM EMPLOYEES.

Employees of the combined waterworks and sewerage system shall have the right at all times of access to any person's premises, for the purpose of ascertaining the number and type of water and sewer connections to the combined system. Any person refusing to permit the employees of the waterworks and sewerage system that above described right of access to his or her premises shall be subject to a penalty as hereinafter provided. (Ord. O-09-20, passed 8-24-09)

§ 51.018 FILING OF ORDINANCES TO BE NOTICE TO OWNERS, USERS OF SERVICES.

A copy of this chapter or all ordinances upon which it is based, properly certified by the City Clerk,

shall be filed in the office of the Recorder of Deeds of Jo Daviess County and shall be deemed notice to all owners of real estate of their liability for service supplied to any user of said city on their properties. (Ord. O-09-20, passed 8-24-09)

§ 51.019 RESTRICTED USE OF SYSTEM.

(A) The city shall, upon determining that defective conditions are affecting or exist in the combined waterworks and sewerage systems, impose any restrictions necessary on the use of said system for the protection of the public health, safety or welfare.

(B) Any person or firm violating lawful restrictions as established by the city or City Council shall be subject to the penalty provisions of this Code of Ordinances. (Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.020 CONSTRUCTION, MAINTENANCE AND REPAIR SUBJECT TO APPROVAL OF CITY.

The construction, maintenance and repair of all waterworks system and sewage disposal system, sewers and water and sewer service lines, including the connection to all water and sewer mains within the city, shall be under the direction of and subject to the approval of the city whether constructed or maintained by the city or by private firms, individuals or utilities. All user service lines connecting from the main to user's buildings or other facilities shall be constructed, maintained and repaired at the cost of the user. (Ord. O-09-20, passed 8-24-09)

§ 51.021 SEPARATE SEWER SYSTEMS.

The sewer systems of the city shall consist of a separate storm water system and a sanitary system. (Ord. O-09-20, passed 8-24-09)

§ 51.022 DISCHARGE OF SEWAGE.

It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.023 PRIVIES AND CESSPOOLS.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.024 CONNECTION TO PUBLIC SEWER REQUIRED.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located any public sanitary sewer of the city is hereby required at his or her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 300 feet (91.4 meters) of the property line.

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.025 TAMPERING WITH SEWAGE WORKS.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or

equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.026 ADMINISTRATION; ENFORCEMENT.

(A) *Right of entry.* Duly authorized employees of the city, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The city shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

(B) *Safety rules to be observed.* While performing the necessary work on private properties, the duly authorized employees of the city, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(C) *Easements.* Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and

subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

SPECIAL PROVISIONS RELATED TO SEWER SYSTEM PRIVATE SEWAGE DISPOSAL

§ 51.101 COMPLIANCE REQUIRED.

(A) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(B) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 30,000 square feet (2,787 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.102 PERMIT REQUIRED.

Before commencement of construction of a private sewage disposal system the owners shall first obtain a written permit signed by the Jo Daviess County Health Department. A copy of this permit must be forwarded to the city.
(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.103 WHEN PERMIT EFFECTIVE.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Jo Daviess County Health Department.

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.104 CONNECTION TO PUBLIC SYSTEM WHEN AVAILABLE.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.105 OPERATION OF PRIVATE SYSTEM.

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

(Ord. O-09-20, passed 8-24-09) Penalty, see § 51.999

§ 51.106 ADDITIONAL REQUIREMENTS.

No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by the County Health Department.

(Ord. O-09-20, passed 8-24-09)

§ 51.107 CLEANING AND FILLING PRIVATE SYSTEM.

When a public sewer becomes available, the building sewer shall be connected to said sewer within 90 days and the private sewage disposal system shall

CHAPTER 70: GENERAL PROVISIONS

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Cross-reference:

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

Statutory reference:

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

IN GENERAL

§ 70.01 DEFINITIONS.

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

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

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

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

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

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

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

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

CONTROLLED-ACCESS HIGHWAY. Every highway, street, or roadway in respect to which owners or occupants of abutting lands and other

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

CROSSWALK.

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

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

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

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

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

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

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

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

INTERSECTION.

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

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

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

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

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

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

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

(1) Any temporary license or instruction permit;

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

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

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

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

LOW-SPEED ELECTRIC BICYCLE. Has the same meaning ascribed to it by Section 38 of the Consumer Product Safety Act (15 USC 2085). (ILCS Ch. 625, Act 5, § 1-140.10)

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

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

MOTOR VEHICLE.

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

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

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

(b) Second division: motor vehicles designed for carrying more than ten persons, those designed or used for living quarters, and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division.
(ILCS Ch. 625, Act 5, § 1-146)

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

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

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

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

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

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

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

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

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

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

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in § 70.52, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(B-5) Flashing yellow arrow indication.

(1) Vehicular traffic facing a flashing yellow arrow indication may cautiously enter the intersection only to make the movement indicated by the arrow and shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(2) Pedestrians facing a flashing yellow arrow indication, unless otherwise directed by a pedestrian-control signal as provided in § 70.52, may proceed across the roadway within any marked or unmarked crosswalk that crosses the lane or lanes used to depart the intersection by traffic controlled by the flashing yellow arrow indication. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(C) *Steady red indication.*

(1) Except as provided in division (C)(3) or (4) of this section, vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection; and shall remain standing until an indication to proceed is shown.

(2) Except as provided in division (C)(3) or (4) of this section, vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line,

before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection; and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

(3) Except when a sign is in place prohibiting a turn and the city authorities by ordinance or state authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by division (C)(1) or (C)(2) of this section. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction or roadways. The driver shall yield the right-of-way to pedestrians within the intersection or an adjacent crosswalk.

(4) After stopping as required by division (C)(1) or (C)(2) of this section, the driver of a motorcycle or bicycle, facing a steady red signal which fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle due to the vehicle's size or weight, shall have the right to proceed, after yielding the right of way to oncoming traffic facing a green signal, subject to the rules applicable after making a stop at a stop sign as required by § 70.61.

(5) Unless otherwise directed by a pedestrian-control signal as provided in § 70.52, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(D) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made; or, in the

absence of such sign or marking, the stop shall be made at the signal.

(ILCS Ch. 625, Act 5, § 11-306) Penalty, see § 70.99

§ 70.52 PEDESTRIAN-CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or the illuminated symbols of a walking person or an upraised palm are in place, these signals shall indicate as follows:

(A) *"Walk" or walking person symbol.* Pedestrians facing this signal may proceed across the roadway in the direction of the signal, and shall be given the right-of-way by the drivers of all vehicles.

(B) *"Don't Walk" or upraised palm signal.* No pedestrian shall start to cross the roadway in the direction of this signal, but any pedestrian who has partly completed his crossing on the "Walk" signal or upraised palm symbol shall proceed to a sidewalk or safety island while the "Don't Walk" signal or upraised palm symbol is illuminated, steady, or flashing.

(ILCS Ch. 625, Act 5, § 11-307) Penalty, see § 70.99

§ 70.53 LANE-CONTROL SIGNALS.

Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

(A) *Downward-pointing green arrow.* A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise, he shall obey all other traffic controls present and follow normal safe driving practices.

(B) *Red X symbol.* A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify

accordingly the meaning of all other traffic controls present. Otherwise he shall obey all other traffic controls, and follow normal safe driving practices.

(C) *Yellow X (steady).* A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed.

(D) *Flashing yellow arrow.* A driver facing this indication may use the lane only for the purpose of approaching and making a left turn.

(ILCS Ch. 625, Act 5, § 11-308) Penalty, see § 70.99

§ 70.54 FLASHING SIGNALS.

Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic-control device, it shall require obedience by vehicular traffic as follows:

(A) *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(C) This section does not apply at railroad grade crossings.

(ILCS Ch. 625, Act 5, § 11-309) Penalty, see § 70.99

§ 70.55 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, MARKINGS, OR ADVERTISING SIGNS.

(A) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be, or is an imitation of, or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the movement of traffic or the effectiveness of an official traffic-control device or any railroad sign or signal.

(B) No person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(C) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway is hereby empowered to remove the same, or cause it to be removed without notice.

(D) No person shall sell or offer for sale any traffic-control device to be used on any street or highway in this city which does not conform to the requirements of this chapter.

(E) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information, and of a type that cannot be mistaken for official signs.

(F) This section shall not be deemed to prohibit the erection of Illinois Adopt-A-Highway signs by the city as provided in the Illinois Adopt-A-Highway Act, ILCS Ch. 605, Act 120, §§ 1 et seq. (ILCS Ch. 625, Act 5, § 11-310) Penalty, see § 70.99

§ 70.56 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.

(A) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(B) Every person who is convicted of a violation of this section shall be punished by a fine of at least \$250 in addition to any other penalties which may be imposed.

(ILCS Ch. 625, Act 5, § 11-311)

§ 70.57 UNLAWFUL USE OR DAMAGE TO HIGHWAYS, APPURTENANCES, AND STRUCTURES.

(A) It shall be unlawful for any person to willfully injure or damage any public highway or street, or any bridge or culvert, or to willfully damage, injure, or remove any sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof, or for the protection or regulation of traffic thereon, by any willfully unusual, improper, or unreasonable use thereof, or by willfully careless driving or use of any vehicle thereon, or by willful mutilation, defacing, destruction, or removal thereof.

(B) Every person who is convicted of a violation of this section shall be punished by a fine of at least \$250 in addition to any other penalty which may be imposed.

(ILCS Ch. 625, Act 5, § 11-312) Penalty, see § 70.99

§ 70.58 UNLAWFUL POSSESSION OF HIGHWAY SIGN OR MARKER.

The City Street Department, with reference to traffic-control signs, signals, or markers owned by the city, is authorized to indicate the ownership of the

signs, signals, or markers in letters not less than 3/8 inch, or more than 3/4 inch in height, by use of a metal stamp, etching, or other permanent means. Except for employees of the City Street Department, police officers, contractors and their employees engaged in a highway construction contract or work on the highway approved by the city, it is unlawful for any person to possess a sign, signal, or marker so identified.

(ILCS Ch. 625, Act 5, § 11-313) Penalty, see § 70.99

§ 70.59 ZONES OF QUIET.

Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within the zone shall sound the horn or other warning device except in an emergency.

§ 70.60 NO-TURNING SIGNS AND TURNING MARKERS.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted no driver of a vehicle shall disobey the directions of the sign. When authorized marks, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles, no driver of a vehicle shall disobey the directions of the indications.

§ 70.61 STOP AND YIELD SIGNS.

(A) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in ILCS Ch. 625, Act 5, § 11-302.

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection

roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(C) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(ILCS Ch. 625, Act 5, § 11-1204) Penalty, see § 70.99

§ 70.99 PENALTY.

Whoever violates any provision of this traffic code for which another penalty is not already otherwise provided by ordinance or by appropriate statutory penalty as generally set forth in ILCS Ch. 625, Act 5, §§ 16-101 et seq. shall, upon conviction, be subject to a fine of not less than \$50 nor more than \$750.

CHAPTER 71: RULES OF OPERATION

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SPEED RESTRICTIONS

§ 71.001 SPEED LIMITS.

(A) No vehicle may be driven upon any highway of this city at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or which endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(A-5) For purposes of this section, ***URBAN DISTRICT*** does not include any interstate highway as defined by ILCS Ch. 625, Act 5, § 1-133.1 of this Code which includes all highways under the jurisdiction of the Illinois State Toll Highway Authority.

(B) No person may drive a vehicle upon any street at a speed which is greater than the applicable statutory maximum speed limit established by divisions (C) and (D) below, by § 71.002, or by a regulation or ordinance made under this chapter.

(C) Unless some other speed restriction is established under this chapter, the maximum speed limit in an urban district (as defined in § 70.01) for all vehicles is:

- (1) Thirty miles per hour; and
- (2) Fifteen miles per hour in an alley.

(D) Unless some other speed restriction is established under this chapter, the maximum speed limit outside an urban district for any vehicle is 65 miles per hour for all or part of highways that are designated by the Department, have at least four lanes of traffic, and have a separation between the roadways moving in opposite directions and 55 miles per hour for all other highways, roads, and streets. (ILCS Ch. 625, Act 5, § 11-601(a) - (d)) Penalty, see § 70.99

Statutory reference:

Authority to regulate speed, see ILCS Ch. 65, Act 5, § 11-40-1 and Ch. 625, Act 5, § 11-604

§ 71.002 SPECIAL SPEED LIMITS WHILE PASSING SCHOOLS.

(A) For the purpose of this section, a ***SCHOOL DAY*** shall begin at 7:00 a.m. and shall conclude at 4:00 p.m.

(B) On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone, or while traveling upon any public thoroughfare where children pass going to and from school.

(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) 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



SCHEDULE II. PARKING TIME LIMITED.

(A) It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in that person's name or operated or controlled by that person to be upon any street within the following parking zones hereby established by the city in violation of the designations and limitations placed on said zones by this section as loading, as no parking, and time limit zones;

<i>Street</i>	<i>Location</i>	<i>Limitations</i>
Bench Street		No parking from 2:00 a.m. to 6:00 a.m. on Tuesday, certain holidays excepted
Bench Street	Handicapped parking stalls	No parking from 2:00 a.m. to 6:00 a.m. on the first Tuesday of every month, certain holidays excepted
Bench Street	East side of the street between U.S. Route 20 and Gazette parking lot entrance.	Three-hour parking from 9:00 a.m. to 5:00 p.m., certain holidays excepted.
Bench Street	Three spaces on the east side across from 413 S. Bench Street	15-minute parking, Monday-Friday, 7:00 a.m. to 6:00 p.m.
North Bench Street	One parking space on the east side in front of 123 North Bench Street	One-hour parking from 9:00 a.m. to 5:00 p.m., certain holidays excepted
North Bench Street	Two spaces in front of 306 North Bench Street	30-minute parking from 8:00 a.m. to 4:30 p.m., weekends and certain holidays excepted
Broadway	One parking space on the west side of the street, beginning at a point 27 feet from the intersection of the curb lines on the northwest corner of Broadway	30-minute parking
Bussan Avenue	Resident parking only	7:00 a.m. to 3:30 p.m. on Monday through Friday when school is in session
Commerce Street		Three-hour parking from 9:00 a.m. to 5:00 p.m., certain holidays excepted
Commerce Street	West side	No parking from 2:00 a.m. to 6:00 a.m. on Tuesdays and Thursdays, certain holidays excepted
Commerce Street	East side	No parking from 2:00 a.m. to 6:00 a.m. on Monday, Wednesday and Friday, certain holidays excepted

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<i>Street</i>	<i>Location</i>	<i>Limitations</i>
Commerce Street	East side	One diagonal space immediately north of Hill on the east side limited to 30 minutes from 9:00 a.m. to 5:00 p.m.
Diagonal Street	West	Three-hour parking from 9:00 a.m. to 5:00 p.m., certain holidays excepted
Diagonal Street	West	No parking from 2:00 a.m. to 6:00 a.m. on Monday, Wednesday and Friday, certain holidays excepted
Franklin Street	North side, between Bench Street and Division Street	No parking from 2:00 a.m. to 6:00 a.m. on Tuesdays, certain holidays excepted.
Franklin Street	South side, between Bench Street and Division Street	No parking from 2:00 a.m. to 6:00 a.m. on Wednesdays, certain holidays excepted
Franklin Street	On the south side from the water tower to the intersection with Hill Street, except four one hour limited spaces in front of the high school	No parking from 7:00 a.m. to 3:30 p.m. on Monday through Friday when school is in session
Franklin Street	On the north side from the intersection with U.S. Route 20 to the intersection with Hill Street	No parking from 7:00 a.m. to 3:30 p.m. on Monday through Friday when school is in session
Franklin Street	Four spaces on the south side in front of the high school	One hour parking 7:00 a.m. to 3:30 p.m. on Monday through Friday when school is in session
Grant Court	Resident parking only	7:00 a.m. to 3:30 p.m. on Monday through Friday when school is in session
Green Street	On the south side between Main and Commerce Street	Three-hour parking from 9:00 a.m. to 5:00 p.m., certain holidays excepted
Green Street	On the south side between Main and Commerce Street	No parking from 2:00 a.m. to 6:00 a.m. on Monday, Wednesday and Friday, certain holidays excepted
Lincoln Avenue	Resident parking only	7:00 a.m. to 3:30 p.m. on Monday through Friday when school is in session
Main Street		Three-hour parking from 9:00 a.m. to 5:00 p.m., certain holidays excepted

<i>Street</i>	<i>Location</i>	<i>Limitations</i>
Main Street	West side	No parking from 2:00 a.m. to 6:00 a.m. on Monday, Wednesday and Friday, certain holidays excepted
Main Street	East side	No parking from 2:00 a.m. to 6:00 a.m. on Tuesdays and Thursdays, certain holidays excepted
Perry Street	South side between Main Street and Market House alley	No parking from 2:00 a.m. to 6:00 a.m. Tuesday and Thursday, certain holidays excepted
Perry Street	South side, between Main Street and Market House alley	Three-hour parking from 9:00 a.m. to 5:00 p.m., certain holidays excepted.
Technical Drive	East side from Chetlain Lane to Industrial Drive	Parking for semi tractors and semi trailers for periods not to exceed 96 consecutive hours
Technical Drive	East side between Industrial Drive and Dandar Street	Cars and small trucks only. No tractors or trailers
Washington Street	South side between Main Street and Commerce Street	Three-hour parking from 9:00 a.m. to 5:00 p.m., certain holidays excepted
Washington Street	South side between Main Street and Commerce Street	No parking from 2:00 a.m. to 6:00 a.m. Tuesday and Thursday, certain holidays excepted
Water Street	East side	No parking in nine parking spaces in the 100 block of North Water Street from 7:00 a.m. to 5:00 p.m. Monday through Friday
Water Street	East side, between the flood gates and 201 North Water Street	No parking from 2:00 a.m. to 6:00 a.m. on Tuesday, certain holidays excepted

(B) The following are the excepted holidays for the above parking restrictions:

- (1) Thanksgiving Day;
- (2) Christmas; and
- (3) New Year's Day.

(C) Vehicles parked in time limited zones shall be moved a distance of not less than 25 feet prior to the expiration of the time limit established for said limited time parking zones or be in violation of the established time limit.

('69 Code, § 20-5) (Ord. O-68-3, passed 6-4-68; Am. Ord. O-93-60, passed 12-13-92; Am. Ord. O-95-06, passed 2-27-95; Am. Ord. O-95-15, passed 3-27-95; Am. Ord. O-99-01, passed 1-11-99; Am. Ord. O-00-30, passed 10-9-00; Am. Ord. O-02-07, passed 4-22-02; Am. Ord. O-02-23, passed 8-26-02; Am. Ord. O-02-33, passed 11-25-02; Am. Ord. O-03-23, passed 7-14-03; Am. Ord. O-06-28, passed 10-9-06; Am. Ord. O-08-20, passed 9-22-08; Am. Ord. O-09-26, passed 11-23-09; Am. Ord. O-14-06, passed 6-9-14; Am. Ord. O-15-04, passed 3-23-15) Penalty, see §§ 72.52 and 72.99

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. **GENERAL LICENSING; MISCELLANEOUS BUSINESS REGULATIONS**
- 111. **ALCOHOLIC BEVERAGES**
- 112. **BED AND BREAKFAST ESTABLISHMENTS**
- 113. **FOOD ESTABLISHMENTS**
- 114. **TOUR OPERATORS**
- 115. **TRAILERS AND TRAILER CAMPS**
- 116. **TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE**
- 117. **ADULT USES**
- 118. **COMPREHENSIVE REGULATION OF TOBACCO PRODUCTS**
- 119. **HORSE DRAWN CARRIAGE BUSINESSES**
- 120. **MOTORIZED VEHICLES FOR HIRE**

multiple permits will not cause such a diversion of police officers or other personnel as to prevent normal police protection and other city services.

(I) *Violations, penalties, enforcement.* Enforcement of this section shall be the responsibility of the Mayor or the Chief of Police, and enforcement shall be in accordance with §§ 110.17 and 110.99 of this chapter.

('69 Code, § 12-10) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-99-10, passed 6-28-99) Penalty, see § 110.99

Cross-reference:

Parades, see also §§ 71.120 - 71.131

§ 110.41 AUCTIONS.

(A) *License required.* It shall be unlawful to hold, sponsor, or cause to be held an auction without first obtaining an auction license as provided for herein.

(B) *Requirements for obtaining a license; regulations.*

(1) Application must be made to the City Clerk by either the sponsor of the auction or the auctioneer at least ten days prior to the auction. The license fee shall be paid at the time of application.

(2) Lunch stands held in conjunction with said auction must fully comply with the lunch stand regulations in § 110.43.

(3) The Mayor or City Clerk may request a background check by the Police Department before issuing an auction license.

(4) The fee for an auction license shall be \$50 per auction, for a period of time not to exceed 48 hours.

(5) All activities associated with said auction must take place fully on private property, or on duly rented public property. Any encroachment

onto public ways shall be forbidden unless prior written permission is granted by the Chief of Police.

(6) The city may deny the auction license on grounds of failure to pay taxes, failure to cooperate with authorities, failure to apply within the required time frame, previous suspension or revocation of permits or other just cause.

(C) *License must be conspicuously posted.* Said license shall be posted in a conspicuous location at said auction throughout the duration of the auction. ('69 Code, § 12-11) (Ord. O-92-5, passed 4-27-92) Penalty, see § 110.99

§ 110.42 GARAGE SALES.

(A) *License required.* It shall be unlawful to participate in or sponsor a garage sale without first obtaining a permit as required herein.

(B) *Permit requirements.*

(1) The property owner or tenant of the location on which the garage sale is to take place shall make application to the City Clerk not less than three days in advance of the requested date of the garage sale.

(2) Signs advertising said garage sale shall not exceed six square feet. Not more than five signs shall be permitted for each garage sale. Signs may be placed on public or private property. Signs placed on public property shall not obstruct sight lines at intersections or be attached to traffic regulation signs. Signs shall be placed on private property only with the permission of the property owner. Signs shall not be placed more than 24 hours before the start of the garage sale and shall be removed within 24 hours after the close of the garage sale.

(3) No property owner shall have or cause to have more than two garage sales per calendar year at any one property. A property owner with multiple properties may have no more than two garage sales at each property per calendar year.

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(4) The city may deny said garage sale license on the grounds of failure to cooperate with authorities, failure to apply within the required sign regulations, exceeding the license limits in division (B)(3), above, or other just cause.

(5) Failure to remove signs in accordance with division (B)(2), above, shall result in the suspension of garage sale license privileges for the licensed property owner for a period of one calendar year. No garage sale permits shall be issued on Country Fair Weekend.

(C) *License must be conspicuously posted.* Said license shall be posted in a conspicuous location at the garage sale throughout the duration of the garage sale. ('69 Code, § 12-12) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-04-31, passed 12-13-04; Am. Ord. O-05-28, passed 8-22-05; Am. Ord. O-05-35, passed 11-14-05) Penalty, see § 110.99

§ 110.43 LUNCH STANDS.

(A) *License required.* It shall be unlawful to operate a lunch stand without an appropriate license as provided for herein.

(B) *Requirements for obtaining a license.*

(1) Any person requesting a lunch stand license must prove that said lunch stand sales will be offered as part of and at the location specified for a duly licensed fair, festival, flea market, auction or sporting event, except that on Boy Scout weekend and Home Tour weekends lunch stand licenses may be issued to nonprofit organizations not affiliated with the event, provided that the lunch stand activity is confined to private property, does not limit public parking and does not impede pedestrian movement.

(2) In the case of flea markets, fairs or festivals, application must be made to the City Clerk at least ten days prior to the date of the event. In the case of fundraising events, auctions, or sporting events, application must be made at least three days prior to the event.

(3) The City Clerk or Mayor may request a background check of the applicant by the Police Department before issuing a lunch stand license.

(4) The fee for a lunch stand license shall be \$25 per event, for not to exceed three days, and said fee shall be paid at time of application.

(5) The city may deny the lunch stand license based on grounds of: failure to pay taxes, failure to cooperate with authorities; failure to apply within the required time frame; previous suspension or revocation of permits; or other just cause.

(C) *License must be conspicuously posted.* Said license shall be posted in a conspicuous location at the lunch stand throughout the duration of the event for which the license was obtained. ('69 Code, § 12-13) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-92-30, passed 9-14-92; Am. Ord. O-05-29, passed 8-22-05; Am. Ord. O-08-09, passed 4-14-08) Penalty, see § 110.99

§ 110.44 CIRCUSES, CARNIVALS AND MENAGERIES.

(A) *License required.* It shall be unlawful to have, cause to have, or sponsor a circus, carnival, or menagerie, as defined in this chapter, without an appropriate license as outlined herein.

(B) *Requirements.*

(1) Any person or group having or sponsoring a circus, carnival, or menagerie must make application to the City Clerk at least 30 days prior to the event.

(2) The Mayor or City Clerk may request a background check by the Police Department before issuing a circus, carnival or menagerie license.

(3) The fee for a circus, carnival or menagerie license shall be \$250 per day. The license fee shall be paid at the time of application.

CHAPTER 114: TOUR OPERATORS

Section

- 114.01 Intent
- 114.02 Definitions
- 114.03 License required
- 114.04 Annual license and fees
- 114.05 Form and content of license; application process
- 114.06 Established place of business
- 114.07 Vehicles restricted to approved route
- 114.08 General tour service business regulations
- 114.09 Additional regulations for nonconventional vehicles
- 114.10 Exceptions
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§ 114.01 INTENT.

It is the intent of the City Council to allow vehicle and horse drawn carriage tours of the community, but to regulate such tours and tour businesses in a manner that will protect the livability and attractiveness of the community. The tour business restrictions found herein are necessary for the following reasons:

(A) To recognize that tours and sightseeing-type businesses have a positive effect on the economic development of the city and help to further promote the tourism industry;

(B) To protect the health, safety and welfare of the citizens of the city by limiting the number of tour vehicles and horse drawn carriages, thereby easing pollution and assuring adequate pure air, avoiding congestion in the public streets, and lessening ambient noise levels;

(C) To preserve the desirability and livability of residential neighborhoods by limiting tours through the residential areas of the city;

(D) To preserve the property values and protect the health and safety of the residents of those neighborhoods by limiting tour-related traffic through the residential areas of the city;

(E) To preserve and protect residential streets that were not constructed or intended for the vehicle loads or additional traffic created by tour vehicles;

(F) To protect the city's investment in pedestrian oriented improvements by encouraging exploration of the city on foot;

(G) To protect pedestrian safety by regulating loading and parking, and attempting to avoid further traffic congestion in the downtown area; and

(H) To protect the historic integrity of an historically important community by preventing the proliferation of vehicles that imitate historic vehicles, but have no actual historic merit.

('69 Code, § 12-113) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-05-12, passed 5-9-05; Am. Ord. O-06-09, passed 5-24-06; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14)

§ 114.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LICENSE, TOUR GUIDE BUSINESS. The license required to legally operate a tour guide business within the city.

LICENSE, TOUR SERVICE. The license required to legally operate a tour service business within the city.

TOUR GUIDE BUSINESS. A person, firm, corporation or other legal entity which provides a tour or sightseeing service for any form of remuneration, by providing personnel that step on a previously loaded bus or other vehicle owned, rented, or leased by a different entity, and guide that vehicle through the city,

TOUR SERVICE BUSINESS. A person, firm, corporation or other legal entity, which provides a tour or sightseeing service for any form of remuneration through the use of vehicles owned, rented or leased by that same entity.
('69 Code, § 12-115) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-05-12, passed 5-9-05; Am. Ord. O-06-09, passed 5-24-06; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14)

§ 114.03 LICENSE REQUIRED.

It shall be unlawful to guide, give or otherwise coordinate tours of the city for any form of remuneration, either as a tour guide business or as a tour service business, as defined below, without the required license(s), as provided for herein.
('69 Code, § 12-114) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14)
Penalty, see § 110.99

§ 114.04 ANNUAL LICENSE AND FEES.

All licenses pertaining to this chapter shall be valid for a period of not greater than one year, and shall expire at midnight on the 30th day of April of each year.

(A) *Tour guide business license.* A license allowing a person, firm, corporation or other entity to operate a tour guide business as defined in this chapter.

- (1) Fee: \$50 per license.

- (2) Limit: None.

(B) *Tour service license.* A license allowing a person, firm, corporation or other legal entity to operate a tour service business, as defined in this chapter. There shall be no limitation as to the number of tour service vehicles each licensee may rent, own, or lease; provided, however, that each license may allow a tour service business to operate up to three tour service vehicles at any given point in time, and only on approved routes.

- (1) (a) Fee. The fee for each license shall be \$150.

(b) There shall be no more than three licenses issued an outstanding at any time.

(c) A tour operator may provide tours between the hours of 10:00 a.m. and 10:00 p.m.

(d) Any person, firm, corporation or other legal entity with a tour operators license who operates a tour service after 6:00 p.m. shall be required to conduct their tours in a fully enclosed tour service vehicle. It shall be unlawful to operate any sound reproducing device for the production of sound that is audible beyond the confines of the tour service vehicle.

(e) Any person, firm, corporation or other legal entity with a tour operators license shall comply with the route designations of § 114.07.

(2) Tour guides. Although tour guides employed by a tour service business do not need an individual tour guide business license, all tour guides employed by the tour service business shall comply with all other tour guide business regulations stipulated in this chapter. The tour service business shall be responsible for assuring that each tour guide in their employment will fully comply with all regulations as set forth herein.

('69 Code, § 12-116) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-02-08, passed 5-13-02; Am. Ord. O-05-25, passed 7-25-05; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-12-05,

passed 3-26-12; Am. Ord. O-13-12(B), passed 9-8-13; Am. Ord. O-14-16, passed 11-10-14) Penalty, see § 110.99

§ 114.05 FORM AND CONTENT OF LICENSE; APPLICATION PROCESS.

(A) *Form; filing of application.* The tour guide business and tour service licenses and the applications therefore shall each be in a form and shall include information such as may be prescribed from time to time by the City Clerk. The appropriate license(s) shall be conspicuously displayed at the established place of business.

(B) *License fee.* An application for a new license, or for renewal of an existing license, shall be made to the City Clerk, and shall be on a form provided by the City Clerk. Said application shall include the appropriate fee, which shall be paid at the time of application. An application for a tour guide business or tour service business license may be made at any time during the calendar year, provided that the full license fee is paid, and said fee shall not be prorated.

(C) *Issuance.* A tour guide or tour service business license shall be issued by the City Clerk upon successful completion of all requirements listed in § 114.08, upon full compliance with all application procedures and payment of the full license fee, and upon approval by the City Council.

(D) *Tour service specifications.*

(1) An application for a tour service business license must include the following:

(a) A list of all vehicles owned by the tour service business and used for tours.

(b) A list of all drivers of those vehicles and all tour guides employed by the tour service business.

(c) A copy of the driver's license and commercial driver's license (CDL) for each driver.

(d) If the vehicle(s) used in the tour service business are rented or leased, a copy of the rental or lease agreement(s). Said lease or rental agreement shall extend throughout the entire licensing period. An applicant must own or possess, by lease for the entire licensing period, at least one tour service vehicle to be eligible for and to receive a tour service license.

(e) A certificate of liability insurance for the tour service business and the insurance identification card for each vehicle.

(f) Current and valid State of Illinois Vehicle Safety Inspection sticker for each vehicle.

(2) In order to maintain a valid tour service business license, a tour service business must provide tours to paying customers without interruption of more than 60 consecutive days in any license year. It shall not be considered an interruption of service if a tour service business closes for up to 120 days during the period December 1 through March 31 and notifies the Galena Police Department of the closure.

(3) All applicants for tour service licenses shall comply with the Americans with Disabilities Act (ADA) of 1990, 42 U.S.C. 12101 et seq.

(4) All applications for tour service licenses and all vehicles used by those tour service businesses shall be subject to City Council approval, on an annual basis, at the first regular City Council meeting in April or the next regular meeting thereafter.

(E) *Nontransferability; compliance with state law.* No license issued under this chapter shall be transferable or assignable to entities other than the business owners specifically listed on the license application. All businesses shall comply with the State of Illinois Assumed Business Name Act, and all other state laws pertaining the name and operation of the business, partnership, or corporation.

(F) *Issuance priority.* Annually, licensees shall be granted renewal of their license before application of new licenses are considered; provided that the existing license is otherwise in compliance with this

chapter and entitled to a license. No individual or legal entity shall be entitled to more than one such license. Provided that there are additional licenses available after issuance of a license to existing licensees, then applicants for new licenses shall be reviewed in the order they are received.

('69 Code, § 12-117) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-04-26, passed 10-25-04; Am. Ord. O-05-12, passed 5-9-05; Am. Ord. O-05-26, passed 7-25-05; Am. Ord. O-06-09, passed 5-24-06; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14) Penalty, see § 110.99

§ 114.06 ESTABLISHED PLACE OF BUSINESS.

(A) All tour guide and tour service businesses operating under a valid license issued by the city shall maintain a permanent address in the city, which shall be designated in the license application. Said licensee shall notify the City Clerk in writing of any change in said address, at least seven days prior to the change in address.

(B) No tour service business shall maintain more than two places of business within the city. The established place(s) of business shall be designated in the license application, and the licensee shall notify the City Clerk in writing of any change in the established place(s) of business at least seven days prior to the changes in or additions to places of business.

(C) Nothing in this chapter is intended to prohibit the advertising of tour guide businesses or tour service businesses or ticket sales relating to the same to be conducted from within other businesses in the city, such as restaurants and retail shops; provided, however, that no advertising in such other businesses shall be visible from outside the windows of such businesses, except in accordance with duly adopted ordinances and resolutions relating to signs.

(D) Nothing in this chapter is intended to prohibit licensed tour service businesses to sell tickets

at loading or unloading zone areas provided that no person is solicited verbally or by gesture, directly or indirectly, at any loading or unloading zone or upon the streets of the city.

('69 Code, § 12-118) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-93-48, passed 7-12-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-05-12, passed 5-9-05; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14)

§ 114.07 VEHICLES RESTRICTED TO APPROVED ROUTE.

All vehicles under the direction of a tour guide shall be restricted to the route, routes, or streets approved by the City Council and on file at City Hall. The City Council may approve one or more routes based on vehicle type, size, weight, and/or passenger loads. In the case that more than one approved route exists, the guided vehicle shall be restricted to the route that most closely matches the type of vehicle being used. The vehicles under the direction of a tour guide must be operated in accordance with city ordinances.

('69 Code, § 12-119) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14) Penalty, see § 110.99

§ 114.08 GENERAL TOUR SERVICE BUSINESS REGULATIONS.

All tour service vehicles shall conform to all pertinent local, state and federal codes, whether or not explicitly mentioned within this chapter. In addition, the following regulations shall apply:

(A) *External advertising.* No external advertising, other than lettering identifying the name of the tour service business and/or any information as may be required by the Illinois Motor Vehicle Code. Said lettering shall not exceed 18 inches in height.

(B) *Vehicle license.* Each tour service vehicle shall be licensed as may be required by the State of Illinois for such vehicle.

(C) *Oversize and/or underpowered vehicles.* Oversized and/or underpowered vehicles can pose a threat to safety, health and general welfare when operated on the steep hills and various places with narrow pavements and/or tight turns within the city. Therefore, use of tour service vehicles powered by diesel fuel or weighing over 22,500 pounds, measuring over 31 feet in length, over eight feet in width, over 11 feet in height, are hereby restricted to those streets approved and designated as bus routes by the City Council. Underpowered vehicles are defined as those unable to climb any street grade within the city at greater than 20 miles per hour under normal conditions, and such are also restricted to the bus routes as approved by the City Council.

(D) *Operations, impeding traffic flow.* It shall be unlawful to operate a tour service vehicle in any manner which places the occupants of the vehicle in immediate harm, or in any manner which impedes standard traffic flow on city streets. Impeding standard traffic flow shall include moving slower than the standard traffic flow or stopping in traffic lanes for other than such slowing or yielding as may be required by traffic law.

(E) *Standing, idling.* It shall be unlawful to allow or cause to be allowed any tour service vehicle to be parked with the engine idling or running, or otherwise left standing with the engine running, either attended or unattended, for a period of greater than 15 minutes. Said requirement shall not apply to tour service vehicles parked on private property, unless said idling is creating a nuisance.

(F) *Parking, loading.* No tour service vehicle may be parked on a city street in other than designated bus parking areas except as provided in this division. No tour service vehicle may load or unload on a city street in other than a designated bus loading zone. Tour service vehicles may also be parked to load and unload at the places of business designated by each

licensee under § 114.06, provided that the entire tour vehicle is located on the property of the licensee and not on any neighboring property, sidewalk, street, or right-of-way at the time of parking, loading, and unloading. Loading and unloading of previously ticketed and transported passengers shall be permitted at businesses and historical attractions and/or sites provided that the tour service vehicle is otherwise standing, idling and/or parked in compliance with this chapter and all other applicable laws. In no instance shall a tour service vehicle load or unload, whether on a city or private property, in such a way as to require the passenger to step or proceed into the portion of the right-of-way that is commonly traveled by motorized vehicles.

(G) *Route.* All vehicles, either tour service vehicles or vehicles guided by tour guides, shall be restricted to the route, routes, or streets approved by the City Council on file at City Hall. The City Council may approve one or more routes based on vehicle type, size, weight, and/or passenger loads.

(H) *Prohibited vehicles.* Only those vehicles that are designed specifically for travel on streets or highways are allowed as tour service vehicles. Multi-terrain vehicles, aircraft, watercraft, or any other form of vehicle shall be prohibited from the operation of any form of tour services within the city limits, the Galena River, and the airspace above the city proper, regardless of the point of origin of the tour.

(I) *Maintenance.* All tour service vehicles shall be kept neat and clean and in proper working order at all times that the vehicles are in operation or parked on city streets. Proper maintenance shall be evidenced by a State of Illinois Vehicle Safety Inspection sticker and other state or federal maintenance and/or safety inspection certification that may be required.

('69 Code, § 12-120) (Ord. O-88-15, passed 5-9-88; Am. Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-05-21, passed 7-11-05; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14) Penalty, see § 110.99

§ 114.09 ADDITIONAL REGULATIONS FOR NONCONVENTIONAL VEHICLES.

(A) Vehicles that imitate a different form of transportation, such as a plane, train or trolley, but operates as a motor vehicle on city streets, are deemed to be traveling businesses, and, as such, are an amusement and are generally inappropriate for use within the city.

(B) Because of this, the following additional regulations shall apply, in addition to all other pertinent regulations: All such vehicles shall be painted only those colors approved as historic colors. Paint shall be semi-gloss or flat finish, and any color combinations other than monochromatic schemes shall require approval by the City Council. Natural wood, stained or varnished, shall be minimal. The only lettering or advertising allowed on the exterior of the vehicle shall be the name of the tour service business as it appears on the tour service license, and/or any information required by state, federal, or local codes. Said lettering shall not exceed 18 inches in height. Each such vehicle must receive approval by the City Council before it will be allowed to operate.

('69 Code, § 12-121) (Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14)

§ 114.10 EXCEPTIONS.

The following businesses shall not be required to obtain a tour guide or tour service business license:

(A) Businesses located within or outside Galena which load passengers in Galena or outside Galena and transport those passengers for tourism purposes to places other than Galena, notwithstanding not more than one incidental stop in Galena where passengers may be unloaded;

(B) Vehicles specifically licensed for interstate commerce;

(C) Individuals showing friends or relatives around town;

(D) Self-guided map tours, tour of homes fund-raisers, or other special events involving tours but requiring licenses from elsewhere in this chapter; and

(E) Other tour-type operations that are clearly not operated as a commercial enterprise, as may be determined by the City Council.

('69 Code, § 12-122) (Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14)

§ 114.11 VIOLATIONS; ENFORCEMENT.

(A) All licenses issued in accordance with this chapter are issued subject to the city's police power, and subject to all other applicable codes, ordinance, and regulations of the city, the state, and the federal government. Licenses issued pursuant to this chapter that are discovered to be issued in error shall be immediately revoked, and the full license fees shall be refunded by the City Clerk or designee thereof,

(B) Violations of this chapter shall be dealt with according to § 110.99, which may include suspension or revocation of an existing license in accordance with § 110.17, denial of future licenses or renewals, and/or a fine or other civil penalty in accordance with § 110.99. In addition to the causes listed in § 110.17, the City Council may revoke a license for failure to uphold conditions placed by the City Council on approval of a license or vehicle, or for failure to adhere to any state or local regulations pertaining to the operation of the tour guide or tour service business, including the operation of the vehicles used therein.

(C) The Galena Police Department shall be responsible for the enforcement of the provisions of this chapter.

('69 Code, § 12-123) (Ord. O-93-45, passed 6-14-93; Am. Ord. O-98-21, passed 10-26-98; Am. Ord. O-07-10, passed 5-29-07; Am. Ord. O-14-16, passed 11-10-14) Penalty, see § 110.99

CHAPTER 120: MOTORIZED VEHICLES FOR HIRE

Section

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- 120.02 Exemptions
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§ 120.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHARTER TRANSPORTATION. A vehicle furnished with a driver that carries passengers for hire either on a fixed route in the city or pursuant to a written contract with reservations in advance of the service. The vehicle shall operate without a meter installed and charge for services on an hourly basis or longer periods of time.

DRIVER. Any person who operates a motor vehicle in the transportation of persons and who receives any compensation for such service in wages or commissions or who is otherwise paid, directly or indirectly.

EXTRA LUGGAGE. Luggage in excess of two suitcases per person.

MANIFEST. A daily record prepared by a taxicab driver of all trips made by said driver showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.

MOTORIZED VEHICLE. A wheeled machine which incorporates a motor, sometimes known as an engine, and which is used for transportation.

NONPROFIT TAXICAB. A vehicle furnished with a driver that carries passengers on a volunteer basis. The vehicle shall operate without a meter installed and charge for services per ride or on an hourly basis or longer periods of time.

OPEN STAND. A public place alongside the curb of a street or elsewhere in the city that has been designated for the use of taxicabs.

OPERATOR OR HOLDER. A person to whom an operator permit has been issued by the city.

RATE CARD. A card issued by the operator for display in each taxicab and that contains the rates of fare then in force.

RELATED GROUP. A single telephone call to the taxicab company to pick up more than one person with no more than two suitcases per person from the same point of origin to the same destination.

TAXICAB. A fully enclosed motorized vehicle, limited to passenger cars, light trucks, and vans, furnished with a driver which carry passengers for hire within the city. **CHARTER TRANSPORTATION**, as defined in this section, nonprofit taxicabs, and vehicles owned or operated by any governmental entity that provide public transportation are not taxicabs.

TAXIMETER. A meter instrument or device attached to a taxicab which measures electronically the distance driven and the waiting time upon which the fare is based.

VEHICLE FOR HIRE. A vehicle providing shared transportation which transports one or more

passengers between locations of the passengers' choice, or close to it.

WAITING TIME. The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers.
(Ord. O-14-15, passed 10-27-14)

§ 120.02 EXEMPTIONS.

Nonprofit taxicabs, taxicabs licensed in another jurisdiction and dropping off passengers in Galena from points of origin outside of Galena, and charter transportation shall be exempt from the provisions of this chapter.
(Ord. O-14-15, passed 10-27-14)

§ 120.03 TAXIMETER REQUIRED.

No person may operate a taxicab without a taximeter fastened in front of the passengers, visible to them at all times day and night, and after sundown the face of the taximeter must be illuminated. Taxicab meters are not required in taxicabs charging a flat rate to passengers, but flat rates must be posted in a taxicab in a location that is visible to passengers at all times.
(Ord. O-14-15, passed 10-27-14)

§ 120.04 POSTING OF RATES.

No person shall operate a taxicab without posting in a conspicuous place, in clear view within the passenger compartment, a printed rate card large enough to be read by the passengers in the taxicab showing the rates.
(Ord. O-14-15, passed 10-27-14)

§ 120.05 MANIFESTS.

(A) *Use required.* Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare and all such completed manifests shall be returned to the owner by the driver at the conclusion of the tour of duty. The form for each manifest shall be furnished to the driver by the owner.

(B) *Preservation; inspection.* Every holder of an operator permit shall retain and preserve all drivers' manifests in a safe place for at least the calendar year and said manifests shall be open to inspection by the Police Department.
(Ord. O-14-15, passed 10-27-14)

§ 120.06 OPEN STANDS.

(A) *Areas established.* Taxicabs licensed under this chapter are authorized to use the bus loading zones established in Chapter 79 of this Code of Ordinances.

(B) *Use of stands.* Open stands shall be used by the different drivers on a first come, first serve basis. The driver shall pull onto the open stand from the rear and shall advance forward as the vehicles ahead pull off. Drivers shall stay within five feet of their cabs and shall not engage in loud or boisterous talk while at an open stand. Nothing in this section shall be construed as preventing a passenger from boarding the cab of the passenger's choice that is parked at open stands.
(Ord. O-14-15, passed 10-27-14)

§ 120.07 VEHICLES, LICENSE AND MAINTENANCE.

(A) *State license.* No person shall operate a vehicle used as a taxicab unless it is licensed by the State of Illinois or another state.

(B) *Safe condition; authority to inspect.* The owner or driver of a taxicab shall keep it in a mechanically dependable, clean and safe condition at all times. Each taxicab shall be inspected and have a current Illinois Vehicle Safety Inspection sticker. A seat belt shall be provided for every passenger and the driver. The taxicab shall be designed and manufactured so every passenger may enter and exit without crossing any interior barriers and from either side of the vehicle. The Chief of Police is hereby authorized, either on complaint of any person or without such complaint, to inspect the vehicle and, upon discovery of any unsafe condition, to notify the person operating said taxicab to cease operation. Thereupon said taxicab shall be kept off the street until the unsafe condition has been corrected.

(C) *Vehicle identification.* It shall be unlawful for an operator or driver required to be licensed under the provisions of this chapter to operate or drive any taxicab vehicle without the name of the cab company and its telephone number permanently posted on both sides of the vehicle in letters of a contrasting color and not less than two inches in height.
(Ord. O-14-15, passed 10-27-14)

§ 120.08 TAXICAB BUSINESS LICENSE AND TAXICAB DRIVER'S PERMIT.

(A) *Taxicab business license requirements; insurance; fees.*

(1) *Taxicab business license required.* No person may operate a taxicab alone or as part of a taxicab business without first having obtained a taxicab business license from the City Clerk after approval by the City Council.

(2) *Application for taxicab business license.*

(a) An application for a taxicab business license must be filed with the City Clerk's office on a form provided by the City Clerk.

(b) The Chief of Police will investigate each applicant for a taxicab business license and a

report of such investigation will be attached to the application for consideration by the City Clerk.

(3) *Consideration of application.* The City Council will, in consultation with the Chief of Police and upon consideration of the application and the required reports attached thereto, approve or reject the application.

(4) *Insurance prerequisite to issuance; continuance in effect.* Every operating licensee shall obtain and keep in force, public liability and property damage insurance with solvent and responsible insurers, as required by the Illinois Secretary of State, to secure the payment of any loss or damage which may result from any occurrence arising out of the operation, use or possession of any of the licensee's public passenger vehicles.

(5) *Fees.* An application for a new license, or for renewal of an existing license, shall be made to the City Clerk, and shall be on a form provided by the City Clerk. Said application shall include the annual taxicab license fee and the fee for each vehicle, both as established by the City Council. Fees shall be paid at the time of application. An application for a taxicab business license may be made at any time during the calendar year, provided that the full license fee is paid, and said fee shall not be prorated.

(6) *Denial, suspension, or revocation of license.*

(a) The City Council may deny, suspend, or revoke issuance of a taxicab business license for good cause, including, but not limited to, any of the following.

1. Violation of any of the provisions of this section.

2. Discontinuation of operations for more than 60 days.

3. Violation of any ordinances of the city or laws of the United States or the State of Illinois or any other state that demonstrates the lack of

fitness of the taxicab vehicle permit holder to offer public transportation.

4. Misrepresentation on the application for a taxicab business license.

(b) Prior to the denial, suspension, or revocation, the taxicab business license holder must be given not less than ten days' written notice by the City Clerk.

(c) In the event of a revocation of a taxicab business license, no other taxicab business license may be issued to such person for a period of two years thereafter.

(7) *Appeal.* Within ten days after written notice of the revocation, suspension, or denial of issuance of a taxicab business license, an applicant or license holder may file with the City Clerk a written notice of appeal to the City Council from such revocation, suspension, or denial. The City Council must provide the taxicab business with notice and an opportunity to be heard on the issue of whether the taxicab business license was properly revoked, suspended, or denied.

(8) *Taxicabs registered with City Clerk.* The applicant or license holder must register all vehicles operating as taxicabs for the taxicab business with the City Clerk. Any new vehicles that begin operating as taxicabs after the taxicab business license is obtained must be registered with the City Clerk within 14 days after such vehicles are acquired.

(9) *Display of taxicab business license.* The taxicab business license must be displayed at the taxicab business location. A copy of the taxicab business license also must be displayed in each vehicle operating as a taxicab for the business and may not be removed until the expiration of the license.

(10) *Personal nature; transferability.* The taxicab business license is personal to the business and may not be sold, assigned, mortgaged, or otherwise transferred. The taxicab business license applies to all registered vehicles operating as taxicabs for the license holder.

(11) *Property of City Clerk upon loss or closure.* If any taxicab business license issued under this section is lost or mislaid or the taxicab business closes or ceases operations, the license holder must report such fact to the City Clerk immediately. Where a taxicab business license is lost or mislaid, a duplicate license will be issued upon payment of an amount equal to 50% of the annual license fee.

(B) *Driver's permit requirements; fee.*

(1) *Permit required.* No person may drive a taxicab for hire upon the streets of the city and no person who owns or controls a taxicab may allow it to be so driven, unless the driver of said taxicab holds a valid taxicab driver's permit issued under the provisions of this section.

(2) *Application for driver's permit.*

(a) An application for a taxicab driver's permit must be filed with the City Clerk's office on a form provided by the City Clerk.

(b) An applicant must have, at a minimum, a valid Illinois driver's license or equivalent license issued by another state to obtain a taxicab driver's permit. Temporary restricted licenses or work permit privileges are not sufficient to obtain a taxicab driver's permit.

(c) An applicant must present a court purpose driver's abstract obtained from the Illinois Secretary of State within the last 30 days.

(d) An applicant must provide two two inch by two inch photos clearly showing the face and shoulders of the applicant. The photos must have been taken within the last 30 days. As an alternative, the city will take a photo of the applicant at the time of application.

(e) The Chief of Police will investigate each applicant for a taxicab driver's permit and a report of such investigation will be attached to the application for consideration by the City Clerk. Such report will state whether the applicant has, at a

minimum, a valid Illinois driver's license or equivalent license issued by another state.

(3) *Consideration of application.* The City Clerk will, in consultation with the Chief of Police and upon consideration of the application and the required reports attached thereto, approve or reject the application within five business days of receipt. An application will be denied if it is determined that the applicant has been convicted of any of the following crimes, or those of a similar nature: reckless driving, murder, rape, vehicular manslaughter, hit and run, robbery, indecent exposure, lewd or obscene conduct, pandering, crimes related to the sale, possession, or transportation of narcotics or intoxicating liquors, assault, battery, or a conviction of three or more moving violations within three years previous to the submission of the application.

(4) *Issuance of permit; duration; annual fee.*

(a) Upon approval of an application for a taxicab driver's permit, the City Clerk will issue a permit to the applicant upon the payment of the fee as established by the City Council. Such permit will be in effect for the remainder of the year ending April 30. The permit must be renewed every year on May 1 thereafter upon the payment of the fee as established by the City Council unless the license for the preceding year is suspended or has been revoked.

(b) The driver must wear the taxicab driver's photo identification permit upon the clothing of the driver at all times while operating the taxicab. The driver shall be well groomed and dressed in a neat and clean fashion at all times while on duty.

(5) *Compliance with city, state, and federal laws.* A taxicab driver permitted under this section must comply with all city, state, and federal laws.

(6) *Denial, suspension, or revocation of permit:*

(a) The City Council may deny, suspend, or revoke a taxicab driver's permit for good

cause, including, but not limited to, any of the following:

1. Failure or refusal to comply with the provisions of this chapter.

2. Violation of any ordinances of the city, or laws of the United States, the state of Illinois or any other state that demonstrates the lack of fitness of the holder to offer public transportation.

3. Misrepresentation on the application for a taxicab driver's permit.

4. Violations against or loss, denial, suspension, or revocation of a taxicab driver's Illinois license or equivalent license issued by another state.

(b) Prior to suspension or revocation, the taxicab driver must be given not less than ten days written notice by the City Clerk.

(c) In the event of revocation of a taxicab driver's permit, no other taxicab driver's permit will be issued to such person for a period of two years thereafter.

(7) *Appeal.* Within ten days after written notice of the denial, suspension, or revocation of a taxicab driver's permit, a taxicab driver may file with the City Clerk a written notice of appeal to the City Council from such revocation, suspension, or denial. The City Council must provide the taxicab driver with notice and an opportunity to be heard on the issue of whether the taxicab driver's permit was properly revoked, suspended, or denied.

(8) *Personal nature; transferability.* The taxicab driver's permit is personal to the driver and may not be sold, assigned, mortgaged, or otherwise transferred.

(9) *Job change.* The taxicab driver's permit remains valid and personal to the driver through a change of employment. If a taxicab driver becomes employed by another taxicab company after

the issuance of the taxicab driver's permit, such a change of employment must be reported to the City Clerk within 14 days.

(10) *Property of City Clerk upon loss.* If any taxicab driver's permit issued under this chapter is lost or mislaid, the taxicab driver must report such fact to the City Clerk immediately. A duplicate permit will be issued upon payment of a fee equal to 50% of the license fee.

(11) *Reporting requirements.* If suspension, revocation, or any other disciplinary action is taken against a taxicab driver's State of Illinois driver's license or equivalent license issued by another state, the taxicab driver must report such action to the City Clerk's office.

(Ord. O-14-15, passed 10-27-14)

(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 *ANTIQUÉ 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.

(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 unless

an 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)

GENERAL TEMPORARY OUTDOOR SALES (LAND USE). See § 154.406(O).

GLARE. The brightness of a light source which causes eye discomfort to a healthy observer such as the Zoning Administrator.

GLARE STANDARDS. See § 154.707.

GRADE, STREET.

(1) For buildings having walls adjoining one street only, the elevation of the street at the midpoint of the wall adjoining the street.

(2) For buildings having walls adjoining more than one street, the average of the elevation of the street at the midpoints of the walls adjoining the streets.

(3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

(4) Any wall approximately parallel to and not more than 20 feet from a street line is to be considered as adjoining the street for the purpose of this definition. Where no street is near or established, the grade shall be determined by the City Engineer.

GREEN SPACE RATIO (GSR). The percentage of the gross site area which is preserved as permanently protected green space. **GREEN SPACE RATIO** is calculated by dividing the area of permanently protected green space by the gross site area.

GROSS DENSITY. The result of dividing the number of dwelling units located on a site by the gross site area. See **MAXIMUM GROSS DENSITY**.

GROSS FLOOR AREA. The total floor area on all levels of a building.

GROSS LAND AREA. The total land area located within a single lot or development, including land within all easements; parks, rights-of-way, and

other lands to be dedicated to the public; and environmentally constrained land such as floodplains and wetlands.

GROSS SITE AREA (GSA). The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development.

GROUND FLOOR AREA. The floor area of the first habitable floor.

GROUP DAY CARE CENTER (LAND USE). See § 154.406(C).

GROUP DEVELOPMENT. See § 154.407.

GROUP/INSTITUTIONAL RESIDENTIAL (LAND USE). See § 154.406(A).

GUEST. A person renting a rooming unit on a daily or weekly basis for overnight accommodation on a transient basis.

GUEST ACCOMMODATION. Any building or portion thereof containing a guest room or rooms, guest suites or guest apartments which are available to the public for accommodating guests on a transient basis for a charge, donation, or any other form of remuneration. Hotels, motels, lodging houses, and guest apartments, or any other like facility, are all considered guest accommodations. Boarding and rooming houses are not guest accommodations because they are rented on a residential basis. Bed and breakfasts are of such a unique nature involving a dwelling that they shall stand by their own definition in this chapter. See § 154.406(D).

GUEST ACCOMMODATION/BED AND BREAKFAST. An owner-occupied dwelling providing a minimum of two rooms but no more than five rooms for overnight accommodations to the public and, if so desired, breakfasts may be served to the guest thereof. Rental is on a transient basis and for a charge, meaning any form of remuneration such as cash, goods, services, barter, donations, forgiveness of indebtedness, or other like payment. For purposes of this section, **GUEST ROOM** shall mean a sleeping

room intended to serve not more than two guests per night. Bed and breakfasts are permitted only in residential districts and only by Special Use Permit. See § 154.406(D)(7).

GUEST ACCOMMODATION/SMALL INN. A building, or portion thereof functioning to provide six to eight guest rooms for up to a maximum of 16 guests. Access to rooms is made through principal and secondary access points of the building and connecting corridors and staircases. Supervision of a small inn is maintained at all hours of the day and night from within the building or on-premise and meals may or may not be served. Small inns are permitted only in low density residential and commercial districts and only by Special Use Permit. See § 154.406(D)(8).

GUEST HOUSE/BED AND BREAKFAST. An owner-occupied dwelling providing a room or rooms for overnight accommodations to the public and, if so desired, breakfasts may be served to the guest thereof. Rental is on a transient basis and for a charge, meaning any form of remuneration such as cash, goods, services, barter, donations, forgiveness of indebtedness, or other like payment. In agricultural districts, a guest house/bed and breakfast may incorporate the use of accessory buildings detached from the main house providing such are suitable for human habitation. For purposes of this section, **GUEST ROOM** shall mean a sleeping room intended to serve not more than two guests per night. See § 154.406(D).

GUEST LODGE. A building, or portion thereof functioning to provide up to eight guest rooms for up to a maximum of 16 guests. Access to rooms is made through principal and secondary access points of the building and connecting corridors and staircases. Supervision of a lodging house is maintained at all hours of the day and night from within the building and meals are not served. See Public Accommodations, Lodging House, § 154.406(D).

GUEST ROOM. Any sleeping room designed or used for accommodating guests.

HABITABLE BUILDINGS. Any building or portion thereof used for human habitation.

HABITABLE ROOM. Any room in a dwelling unit or a guest accommodation suitable for sleeping, sitting, lounging, cooking, or dining; such is not a bathroom, closet, pantry, hallway, cellar, storage space, or garage.

HAZARDOUS MATERIAL STANDARDS. See § 154.713.

HAZARDOUS SUBSTANCES. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous substances based upon corrosivity, reactivity, and toxicity. **HAZARDOUS SUBSTANCES** include, but are not limited to, inorganic mineral acids or sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts; lead, nickel, and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts; and all radioactive materials.

HEAT STANDARDS. See § 154.707.

HEIGHT OF BUILDING. The vertical distance measured from the street grade or equivalent established grade to the highest point of the front facade or uppermost habitable room, whichever is greater.

HELIPORT (LAND USE). See § 154.406(F).

HISTORIC DISTRICT. That portion of the city located within "The Original City" as recorded in the courthouse of Jo Daviess County on March 28, 1938 and all subdivisions added to the city prior to December 31, 1859. The same boundary is recognized by both local ordinance and the National Register of Historic Places and represents an area predominantly characterized by nineteenth century architecture.

HISTORIC DISTRICT DESIGN GUIDELINES. Architectural guidelines as presented in "*Architectural Styles and Design Elements of the Main Street*"

above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

STORY, HALF. The portion of a building under a gable, hip, or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than four and one-half feet above the finished floor of such story. In the case of one-family dwellings and multiple-family dwellings less than three stories in height, a half-story in a sloping roof shall not be counted as a story for the purpose of this chapter. In the case of multiple-family dwellings three or more stories in height, a half-story shall be counted as a story.

STREET. A public or private way for motor vehicular travel. **STREET** includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations but excludes an alley or way for pedestrian use only.

STREET, ARTERIAL. A thoroughfare for the rapid movement of traffic with a minimum right-of-way of 60 feet and speed limits commonly between 35 and 55 miles per hour.

STREET, COLLECTOR. A thoroughfare for the movement of traffic from arterials to residential streets or other low-volume areas with a minimum right-of-way of 50 feet and speed limits between 25 to 45 miles per hour.

STREET, LOCAL. A residential or other low-volume street used primarily for access to abutting property with a minimum right-of-way of 50 feet and speed limits of 30 miles per hour or less.

STREET, LOCAL RESIDENTIAL. A local street serving primarily to collect traffic originating directly from residential driveways and private residential courts and streets.

STREET, PLATTED. A public easement or property dedicated or intended as a street which has not been improved or opened to vehicular traffic.

STREET, RESIDENTIAL COLLECTOR. A collector street serving primarily residential land uses which primarily serves to connect local residential streets to collector or arterial streets.

STREET LINE. See **LOT LINE, FRONT.**

STRIP DEVELOPMENT. A pattern of land uses typified by nonresidential and/or multi-family development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders excepting such alterations as may be required for the safety of the building.

STRUCTURE.

(1) Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, to advertising signs, billboards, backstops for tennis courts and pergolas.

(2) Structure also includes a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a mobile home and prefabricated building.

SWALE. A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

TEMPORARY GUESTS. Anyone occupying premises for a period not to exceed 30 days.

TEMPORARY USE. A land use present on a property for a limited and specified period of time. See § 154.406(O).

TERRACE/PATIO. A level plane or platform which, for the purpose of this chapter, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

THREE COMPONENT MEASURING SYSTEM. Instrumentation which can measure earthborne vibrations in three directions; that is, vibration occurring in a horizontal as well as a vertical plane. See § 154.706.

TOUR HOUSE. A large, originally residential structure that is historically significant and has been in existence before 1900. A house tour is allowed by right in certain commercial districts and by special use permit in certain residential districts.

TOWNHOUSE (LAND USE). See § 154.406(A).

TRANSPORTATION LAND USE(S). See § 154.406(F).

TWIN HOUSE (LAND USE). See § 154.406(A).

TWO-FLAT HOUSE (LAND USE). See § 154.406(A).

UNDUE HARDSHIP. The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

USE. The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY. See **ACCESSORY USE.**

USE, SPECIAL. See **SPECIAL USE.**

USE, PRINCIPAL. See **PRINCIPAL USE.**

VARIANCE. Permission to depart from the literal requirements of this code. See § 154.925.

VEHICLE REPAIR AND MAINTENANCE. See § 154.406(D).

VIBRATION. The periodic displacement, measured in inches, of earth.

VIBRATION STANDARDS. See § 154.706.

WASTE DISPOSAL FACILITY (LAND USE). See § 154.406(E).

WETLAND, ISOLATED. See § 154.510.

WOODLAND, MATURE. See § 154.507.

WOODLAND, YOUNG. See § 154.507

WORKING DAYS. Monday, Tuesday, Wednesday, Thursday or Friday; excluding holidays granted by the city to its department heads.

YARD. A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this code. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

YARD, FRONT. A yard extending along the full width of the front lot line extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

YARD, REAR. A yard extending along the full width of the rear lot line extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

YARD, REQUIRED. The open space area between a lot line and the buildable area in which no structure shall be located except as may otherwise be provided by this code.

YARD, SIDE. A yard extending along the side lot line between the front and rear yards having a width as specified in the yard regulations for the district in which such lot is located.

YARD, SUM SIDE. The combined width of two opposite side yards having a width as specified in the yard regulations for the district in which such lot is located.

YARDS, ALL. The front, rear and side yards on a lot.

ZONING ADMINISTRATOR. The person authorized and charged by the city with the administration and enforcement of this code. See § 154.903.

ZONING DISTRICT(S). See §§ 154.201 through 154.209.

ZONING MAP. See **OFFICIAL ZONING MAP.** See § 154.102.
(Ord. O-05-04, passed 4-11-05; Am. Ord. O-06-32, passed 10-23-06; Am. Ord. O-09-10, passed 4-13-09; Am. Ord. O-10-19, passed 5-24-10; Am. Ord. O-14-01, passed 1-13-14; Am. Ord. O-13-19, passed 11-25-13; Am. Ord. O-14-05, passed 3-24-14)

§ 154.016 VIOLATIONS AND PENALTIES.

(A) *Notice of violations.* The Zoning Administrator shall give written notification of any violation of this chapter to the owner or lessor or the trustee or other legally responsible party for such property stating in such notification that he has inspected the property and has found it in violation of this chapter. He shall state in the notification in clear, precise terms a description or explanation of the violation. The property owner, trustee, lessor, or legally responsible party shall have 30 days in which

to correct such violation or to give satisfactory evidence that they have taken steps that will lead to correcting such violation within a stated period of time, which time must be agreeable to the Zoning Administrator as being fair and reasonable.

(B) *Time limitation for correction.* The owner, trustee, lessor or other legally responsible party shall be deemed to be in violation of this chapter if after 30 days of the Notice of Violation, the violation has not been corrected or is not in the process of being corrected within a reasonable length of time or the time in which the correction will be made has not been approved by the Zoning Administrator.

(C) *Penalty.* A violation of any of the provisions of this chapter shall be considered a misdemeanor and punishable in accordance with this code of ordinances. Each day that a violation is permitted to exist shall constitute a separate offense.

(D) *Commencement of work without complying with procedures.* In the event any work is started prior to following the proper procedures as provided by this chapter, a stop work order shall be issued by the Zoning Administrator or the Mayor. An immediate fine of \$250 will be imposed for failure to comply with the stop work order. After the stop work order is issued, and before work may be continued, the violator will be given three working days to commence the procedure to obtain the proper permits and in all ways come into compliance with this chapter. If the violator does not commence the procedure to obtain the proper permits within the three working day period, a fine of \$25 per day will be imposed until such procedure is commenced.
(Ord. O-05-04, passed 4-11-05)

GENERAL ZONING PROVISIONS

§ 154.101 PURPOSE.

The area located within the jurisdiction of this code is hereby divided into zoning districts of such number and community character as are necessary to

achieve compatibility of land uses within each district, to implement the officially adopted city Comprehensive Plan, and to achieve the other purposes of this Code.

(Ord. O-05-04, passed 4-11-05)

Cross reference:

Jurisdiction, see § 154.009

Purposes of code, see § 154.005

§ 154.102 MAP OF STANDARD ZONING DISTRICTS.

Standard zoning districts established by this code are shown on the official zoning map of the city, which together with all explanatory materials thereon, is hereby made part of this code.

(Ord. O-05-04, passed 4-11-05)

§ 154.103 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

The following rules shall be used to determine the precise location of any zoning district boundary shown on the official zoning map of the city:

(A) Zoning district boundaries shown as following or approximately following the limits of any city, township or county boundary shall be construed as following such limits.

(B) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.

(C) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Jo Daviess County Supervisor's Assessment Maps ("tax maps") shall be construed as following such lines.

(D) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the

channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.

(E) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.

(F) Zoning district boundaries shown as separated from any of the features listed in divisions (A) through (E) above shall be construed to be at such distances there from as are shown on the official zoning map. Where any uncertainty exists as to the exact location of a zoning district boundary line as shown on the official zoning map, the location of the line shall be determined by the Zoning Administrator. (Ord. O-05-04, passed 4-11-05)

§ 154.104 NEW, ANNEXED OR VACATED LANDS.

Submerged land heretofore reclaimed, or which may be reclaimed hereafter, and which is not shown on the official zoning map, shall be classified as the zoning district of the land immediately adjacent thereto. Land heretofore annexed or which may be annexed to the city hereafter, and which is not shown on the official zoning map, shall be classified as LA, Limited Agriculture District. Whenever any street, alley, or other public way within the city limits shall be officially vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

(Ord. O-05-04, passed 4-11-05; Am. Ord. O-10-16, passed 6-14-10)

§ 154.105 NONCONFORMING LOT REGULATIONS.

If two or more lots or combinations of lots and portions of lots with continuous frontage under

TABLE 154.403.1 PERMITTED LAND USES (Cont'd)														
LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	LH	TYPES OF LAND USE PRINCIPAL AGRICULTURAL LAND USES (§ 154.406(B))
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Cultivation
P	S													(2) Husbandry
S													P	(3) Agricultural services
P	S								P					(4) On-site agricultural retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(5) Selective cutting
S	S	S	S	S	S	S	S	S	S	S	S	S	S	(6) Clear cutting
														PRINCIPAL INSTITUTIONAL USES (§ 154.406(C))
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Recreation, outdoor - Passive public
P	P	P	P	P	P	P	P	P	P	P	P			(2) Recreation, outdoor - Active public
S									S					(3) Recreation, outdoor - Campground
S	S	S	S	S	S	S	S	S	S	S	S			(4) Institutional, outdoor
				S	S	S			S		S			(5) Institutional, indoor - Day care center
S	S	S	S	S	P	P	P	P	P	P	P			(6) Institutional, indoor - General
						S			S		S			(7) Institutional, indoor - Intensive
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(8) Public services and utilities
P = Permitted by right (see § 154.402(A)) S= Permitted by special use (see § 154.402(B))														
LA Limited Agricultural CSR Countryside Residential LDR Low Density Residential MDR Medium Density Residential HDR High Density Residential					NO Neighborhood Office PO Planned Office NC Neighborhood Commercial PC Planned Commercial GC Downtown Commercial					DC Downtown Commercial PI Planned Industrial LI Light Industrial HI Heavy Industrial				

Galena - Land Usage

TABLE 154.403.1 PERMITTED LAND USES (Cont'd)														
LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	LH	TYPES OF LAND USE PRINCIPAL COMMERCIAL LAND USES (§ 154.406(D))
					P	P	P	P	P	P	P	P	P	(1) Office
					S	S	P	P	P	P	S			(2) Personal or professional service
S	S				S		P	P	P	P	P	P	P	(3) Artisan studio
						S	P	P	P	P	S			(4) Sales and service, indoor
									P				P	(5) Sales and service, outdoor display
									P					(6) Sales and service, in-vehicle
	S	S	S	S	S									(7) Accommodations, bed and breakfast
		S			S		S	S	S	S				(8) Accommodations, small inn
						S		S	P	S	S			(9) Accommodations, hotel/motel
						S	S	P	P	P	S			(10) Entertainment, indoor, commercial
S									S			S		(11) Entertainment, outdoor, commercial
		S							S	S				(11) Entertainment, outdoor commercial: horse drawn carriage activities - harnessing and hitching
												S	S	(12) Entertainment, adult
								S	P	S	P	P	P	(13) Maintenance service, indoor
									S				P	(14) Maintenance service, outdoor
P = Permitted by right (see § 154.402(A)) S= Permitted by special use (see § 154.402(B))														
LA Limited Agricultural CSR Countryside Residential LDR Low Density Residential MDR Medium Density Residential HDR High Density Residential					NO Neighborhood Office PO Planned Office NC Neighborhood Commercial PC Planned Commercial GC Downtown Commercial					DC Downtown Commercial PI Planned Industrial LI Light Industrial HI Heavy Industrial				

TABLE 154.403.1 PERMITTED LAND USES (Cont'd)															
LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	LH	TYPES OF LAND USE PRINCIPAL COMMERCIAL LAND USES (§ 154.406(D))	
S									S				S	(15) Commercial animal boarding	
									P			P	P	(16) Vehicle repair and maintenance	
					P		P		P	P				(17) House tour	
														TYPES OF LAND USE PRINCIPAL STORAGE DISPOSAL LAND USES (§ 154.406(D))	
									S			S	P	(1) Storage, personal	
									P		P	P	P	(2) Storage or wholesaling, indoor	
													P	(3) Storage or wholesaling, outdoor	
													S	(4) Junkyard or salvage yard	
S													S	(5) Waste disposal facility	
S													S	(6) Composting operation	
														PRINCIPAL TRANSPORTATION USES (§ 154.406(F))	
						S		S	P	S	S	P	P	(1) Off-site parking lot	
S													S	(2) Airport/heliport	
											S	S	P	(3) Freight terminal	
											S	P	P	(4) Distribution center	
														PRINCIPAL INDUSTRIAL USES (§ 154.406(G))	
												P	P	P	(1) Light industrial
														P	(2) Heavy industrial
P = Permitted by right (see § 154.402(A)) S= Permitted by special use (see § 154.402(B))															
LA Limited Agricultural CSR Countryside Residential LDR Low Density Residential MDR Medium Density Residential HDR High Density Residential					NO Neighborhood Office PO Planned Office NC Neighborhood Commercial PC Planned Commercial GC Downtown Commercial					DC Downtown Commercial PI Planned Industrial LI Light Industrial HI Heavy Industrial					

Galena - Land Usage

TABLE 154.403.1 PERMITTED LAND USES (Cont'd)														
LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	LH	PRINCIPAL INDUSTRIAL USES (§ 154.406(G))
S											S	S	S	(3) Communications tower
S														(4) Extraction use
TYPES OF LAND USE ACCESSORY RESIDENTIAL LAND USES (§ 154.406(H))														
P	P	P	P	P	P	P	P	P	P	P				(1) Day care home, serving 3 to 12 children
P	P	P	P	P	P	P	P	P	P	P				(2) Home occupation, minor
S	S	S	S	S	S	S	S	S	S	S				(3) Home occupation, major
P	P	P	P	P	P	P	P	P	P	P				(4) Private kennel
P	P	P	P	P	P	P	P	P	P	P				(5) Outbuildings and recreation facilities
P	P	P	P	P	P	P	P	P	P	P				(6) Recreational vehicle storage
P	S													(7) Private stable
S	S	S	S	S										(8) House tour
ACCESSORY AGRICULTURAL LAND USES (§ 154.406(I))														
ACCESSORY RECREATIONAL AND INSTITUTIONAL LAND USES (§ 154.406(J))														
ACCESSORY COMMERCIAL LAND USES (§ 154.406(K))														
						P		P	P	P	P	P	P	(1) Company-provided cafeteria
					S	S	S	S	S	S	S	S	S	(2) Company-provided day care
P = Permitted by right (see § 154.402(A)) S = Permitted by special use (see § 154.402(B))														
LA Limited Agricultural CSR Countryside Residential LDR Low Density Residential MDR Medium Density Residential HDR High Density Residential					NO Neighborhood Office PO Planned Office NC Neighborhood Commercial PC Planned Commercial GC Downtown Commercial					DC Downtown Commercial PI Planned Industrial LI Light Industrial HI Heavy Industrial				

TABLE 154.403.1 PERMITTED LAND USES (Cont'd)

LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	LH	ACCESSORY AGRICULTURAL LAND USES (§ 154.406(I))
														ACCESSORY RECREATIONAL AND INSTITUTIONAL LAND USES (§ 154.406(J))
														ACCESSORY COMMERCIAL LAND USES (§ 154.406(K))
						S		S	P		S	P	P	(3) Company-provided on-site recreation
					P	S	P	S	S	P				(4) Dwelling units above ground floor
						S		S	P		P	P	P	(5) Fleet vehicle storage
								S	S	S				(6) Light industrial incident to indoor sales
							S	P	P	S	S			(7) Outdoor dining
						S	S	P	S					(8) Outdoor display, removable
									P					(9) Outdoor display and storage, permanent
								S	P	S				(10) Outdoor entertainment
														ACCESSORY TRANSPORTATION LAND USES (§ 154.406(L))
														ACCESSORY STORAGE, DISPOSAL, AND INDUSTRIAL USES (§ 154.406(M))
											P	P	P	(1) Indoor sales incident to light industrial uses
P = Permitted by right (see § 154.402(A)) S = Permitted by special use (see § 154.402(B))														
LA Limited Agricultural CSR Countryside Residential LDR Low Density Residential MDR Medium Density Residential HDR High Density Residential					NO Neighborhood Office PO Planned Office NC Neighborhood Commercial PC Planned Commercial GC Downtown Commercial					DC Downtown Commercial PI Planned Industrial LI Light Industrial HI Heavy Industrial				

Galena - Land Usage

TABLE 154.403.1 PERMITTED LAND USES (Cont'd)														
LA	CSR	LDR	MDR	HDR	NO	PO	NC	PC	GC	DC	PI	LI	LH	GENERAL ACCESSORY LAND USES (§ 154.406(N))
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(1) Caretaker's residence
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(2) Drainage structure
S	S	S	S	S	S	S	S	S	S	S	S	S	S	(3) Exterior communication devices
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(4) Filling
						S			S		S	S	S	(5) Heliport
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(6) Lawn care
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(7) On-site parking lot
P = Permitted by right (see § 154.402(A)) S = Permitted by special use (see § 154.402(B))														
														TEMPORARY LAND USES (§ 154.406(O))
							T	T	T	T				(1) General temporary outdoor sales
T	T	T	T	T	T	T	T	T	T	T	T	T	T	(2) Outdoor assembly
T	T	T	T	T	T	T	T	T	T	T	T	T	T	(3) Contractor's project office
T	T	T	T	T	T	T	T	T	T	T	T	T	T	(4) Contractor's on-site equipment storage facility
				T	T	T	T	T	T	T	T	T	T	(5) Relocatable building
T	T	T	T	T	T	T	T	T	T	T	T	T	T	(6) On-site real estate office
							T	T	T	T		T	T	(7) Seasonal outdoor sales of farm products
T = Permitted as a temporary use (see § 154.402(D))														
LA Limited Agricultural CSR Countryside Residential LDR Low Density Residential MDR Medium Density Residential HDR High Density Residential						NO Neighborhood Office PO Planned Office NC Neighborhood Commercial PC Planned Commercial GC Downtown Commercial				DC Downtown Commercial PI Planned Industrial LI Light Industrial HI Heavy Industrial				

(Ord. O-05-04, passed 4-11-05; Am. Ord. O-06-32, passed 10-23-06; Am. Ord. O-07-11, passed 6-11-07; Am. Ord. O-13-19, passed 11-25-13; Am. Ord. O-14-05, passed 3-24-14; Am. Ord. O-14-11, passed 9-8-14)

a. In the Downtown Commercial District, small inns in existence at the time of adoption of this section are exempt from meeting off-street parking requirements.

b. Rental of parking spaces on property other than the lot of the small inn shall not be allowed.

5. *Additional information or requirements to be designated in special use permit. (Refer to § 154.924 - Special Uses.)*

a. A copy of the application for the special use permit containing the information required by division (D)(8)(a)7. below, together with any modifications to any of the information as may be required by the Zoning Board of Appeals. The purpose of this is so that the special use permit shall contain a record of the information on which the special use permit is based;

b. No small inn shall commence doing business until a small inn license has been issued by the city;

c. Proof of registration with the Illinois Department of Revenue and Jo Daviess County for hotel/motel taxes shall be given to the Zoning Administrator within 90 days after issuance of the small inn license;

d. Records of payments made to the Illinois Department of Revenue and Jo Daviess County for hotel/motel taxes shall be submitted with the application for renewal of the small inn license, or upon reasonable request, at any time, by the Zoning Administrator;

e. Each small inn owner shall maintain a guest register; and

f. Small inns in Low Density Residential districts shall be owner occupied with the owner residing in the principal structure or within a habitable accessory structure on the same property and not more than 150 feet from the principal structure.

6. *Application: contents.* An application for a small inn special use permit shall include such information as the Zoning Administrator or the Zoning Board of Appeals may require, but, at a minimum, shall include the following:

a. A site plan depicting all existing conditions of and proposed modifications to buildings, walks, drives, parking, berming, planting, fencing, signage and lighting. Pertinent elevations or perspective drawings may be requested for more accurate review of various details;

b. Photographs of the proposed small inn, accessory buildings and zoning lot;

c. Floor plan of the proposed small inn showing all rooms and designation of room usage; and

d. In the case of special use permit renewal applications, records of payments made to the Illinois Department of Revenue and Jo Daviess County for hotel/motel taxes shall be submitted.

7. *Existing nonconforming situations.* Property owners granted special use permits for small inns prior to August 1, 1989, and their heirs and assigns, shall only be required to meet small inn zoning requirements in force at the time the small inn special use permit was initially granted provided the small inns meet all city licensing requirements, comply with all laws of the state, and satisfy subsections above.

(9) *Accommodations, hotel/motel.* Hotel and motel facilities include land uses which provide overnight housing in more than eight rooms and serving more than 16 guests in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

(a) *Regulations:*

1. If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.

2. Facility shall provide a Type III bufferyard along all property borders abutting residentially zoned property, as specified in § 154.605.

3. Within the PO and PI Districts, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes.

(10) *Entertainment, indoor commercial.* Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

(a) *Regulations:*

1. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.

2. Facility shall provide a Type III bufferyard along all borders of the property abutting a residentially zoned property, as specified in § 154.605.

(11) *Entertainment, outdoor commercial.* Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building.

Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include volleyball, horseshoe and related facilities associated with entertainment land uses, outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, racetracks and horse drawn carriage activities.

(a) *Regulations:*

1. Activity areas shall not be located closer than 300 feet to a residentially zoned property.

2. Facility shall provide a Type IV bufferyard along all borders of the property abutting residentially zoned property, as specified in § 154.605.

3. Activity areas (including drive-in movie screens) shall not be visible from any residentially-zoned property.

4. The above regulations will not apply to the harnessing and hitching activities associated with horse drawn carriages provided that these activities are performed by a city approved and tour licensed operator.

(12) *Entertainment, adult.* Adult entertainment land uses, or adult-oriented establishments, shall include, but are not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments, or adult cabarets. They further include any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the

(14) *Maintenance service, outdoor.* Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.

(a) *Regulations:*

1. All outdoor activity areas shall be completely enclosed by a minimum six feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard.

2. Facility shall provide a Type III bufferyard along all borders of the property abutting residentially zoned property, as specified in § 154.605.

(15) *Commercial animal boarding.* Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

(a) *Regulations:*

1. Each animal shall be provided with an indoor containment area.

2. The minimum permitted size of a horse or similar animal stall shall be 100 square feet.

3. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured, see § 154.913.

(16) *Vehicle repair and maintenance service.* Vehicle repair and maintenance services

include all land uses which perform maintenance services (including repair) to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building.

(a) *Regulations:*

1. Storage of abandoned vehicles is prohibited.

2. Facility shall provide a Type III bufferyard along all property borders abutting residentially zoned property, as specified in § 154.605.

(17) *House tour.* House tour land uses include on-site tours of structures, constructed as single-family residences that are relevant to Galena's heritage and have historical significance. Structures used for house tour purposes must have been in existence before 1900. Such activities include guided tours of appropriate structures and grounds of the property.

(a) *Regulations:*

1. Tours may be conducted by the owner of the structure, an operator, or other agent of the owner.

2. Maximum number of persons allowed on tours shall be determined on case-by-case basis by the city staff. Owners shall coordinate with city staff to establish maximum occupancy before commencement of use.

3. No signs advertising the tour house shall be displayed on the site.

4. The owner of the tour house shall maintain a registry which shall show the date, time and number of persons involved in each tour.

5. Tours shall be given only between the hours of 9:00 a.m. and 4:30 p.m., and between 6:30 p.m. and 9:00 p.m. during the peak

tourist season between May 1 and November 30. A tour house shall receive no more than two tours per day between the hours of 9:00 a.m. and 4:30 p.m., and no more than three tours per week between the hours of 6:30 p.m. and 9:00 p.m. During the off peak tourist season between December 1 and April 30, a tour house shall receive no more than three tours per day, either morning or night, provided however, a tour house shall not be open for tours more than three days per week.

6. The owner of the tour house or his/her authorized agent shall be on the premises at all times during the tour.

7. The owner shall be responsible for compliance with these regulations.

(E) *Principal storage or disposal land uses.*

(1) *Storage, personal.* Personal storage facilities are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as mini-warehouses.

(a) *Regulations:*

1. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.

2. Facility shall provide a Type IV bufferyard along all property borders abutting residentially zoned property, as specified in § 154.605.

3. No electrical power shall be run to the storage facilities, except for exterior lighting.

(2) *Storage or wholesaling, indoor.* Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and

shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per § 154.406(M).

(3) *Storage or wholesaling, outdoor.* Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard.

(a) *Regulations:*

1. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of eight feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of five feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a Type III bufferyard, as specified in § 154.605.

2. The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.

3. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of § 154.601(H). If the number of provided parking stalls on the property is already less than the requirement,

such storage area shall not further reduce the number of parking stalls already present.

4. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of ten feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

5. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

6. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

7. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.

(4) *Junkyard or salvage yard.* Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of two or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

(a) *Regulations:*

1. All animals shall be owned by an occupant of the principal residential use.

2. For any number over three animals, a maximum of one additional animal per five acres shall be permitted.

3. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property and shall be screened from adjacent properties.

(5) *Outbuildings and recreational facilities.* This land use includes all active outdoor recreational facilities and accessory structures located on a private residential lot. Materials and lighting shall limit light levels at said property line are to be equal to or less than 0.5 foot candles (see §§ 154.601 through 154.605). All private residential recreation facilities and other accessory structures shall comply with the bulk requirements for accessory structures. Common examples of these accessory uses include swing sets, tree houses, basketball courts, tennis courts, swimming pools, other recreation-type equipment, and sheds.

(6) *Recreational vehicle storage.* On-site long term storage of a recreational vehicle. Recreational vehicles may be stored on a residential property in accordance with the following regulations.

(a) *Dimensional limits for stored recreational vehicles and storage area:*

1. For lots less than 5,000 square feet in size, the recreational vehicle storage area shall not exceed 200 square feet and the vehicle height shall not exceed ten feet.

2. For lots 5,000 square feet or greater in size, recreational vehicle storage area shall not exceed 300 square feet and the vehicle height shall not exceed 12 feet.

3. Proposed recreational vehicle storage areas exceeding 300 square feet in area or

vehicles exceeding 12 feet in height shall be allowed only by special use permit.

(b) *Storage location restrictions:*

1. Recreational vehicle storage area must be located behind the front yard setback line in a side or rear yard area.

2. Recreational vehicle storage area setbacks from side and rear lot lines shall be equal to the height of the RV with a minimum setback of five feet.

3. Recreational vehicle storage area must be an improved pad of gravel, concrete or asphalt.

(c) *Additional regulations:*

1. Recreational vehicles may be parked anywhere on residential premises for a period of time not to exceed 48 hours during loading and unloading no more than twice in any consecutive period of seven days. At least 30 hours must separate each occurrence. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

2. No recreational vehicle intended for portable temporary housing shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any other location not approved for such use.

3. No recreational vehicle shall be stored out of doors on residential premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six months if not in condition for safe and efficient performance of the function for which it is intended.

(7) *Private stable.* A private residential stable is a structure facilitating the keeping of horses

(or similar animals) on the same site as a residential dwelling.

(a) *Regulations:*

1. All horses must be owned by an occupant of the principal residential use.

2. A minimum lot area of 175,000 square feet (four acres) is required for a private residential stable.

3. A maximum of one horse per five acres of fully enclosed (by fencing and/or structures) area is permitted.

4. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property.

5. The minimum permitted size of horse or similar animal stall shall be 100 square feet.

(8) *House tour.* House tour land uses include on-site tours of structures, constructed as single-family residences that are relevant to Galena's heritage and have historical significance. Structures used for this purpose must have been in existence before 1900. House tour activities include guided tours of appropriate structures and grounds of the property.

(a) *Regulations:*

1. Maximum number of persons allowed on tours shall be determined on case-by-case basis with special use permit.

2. No signs advertising the tour house shall be displayed on the site.

3. The owner of the tour house shall maintain a registry which shall show the date, time and number of persons involved in each tour.

4. Tours shall be given only between the hours of 9:00 a.m. and 4:30 p.m., and

between 6:30 p.m. and 9:00 p.m. during the peak tourist season between May 1 and November 30. A tour house shall receive no more than two tours per day between the hours of 9:00 a.m. and 4:30 p.m., and no more than three tours per week between the hours of 6:30 p.m. and 9:00 p.m. During the off peak tourist season between December 1 and April 30, a tour house shall receive no more than three tours per day, either morning or night, provided however, a tour house shall not be open for tours more than three days per week.

5. The owner of the tour house or his/her authorized agent shall be on the premises at all times during the tour.

6. The owner shall be responsible for compliance with these regulations.

(I) *Accessory agricultural land uses.* Agricultural accessory uses are those which are incidental and subordinate to, and serving, the principal agricultural use. Generally, any principal agricultural use permitted by right within the applicable zoning district may, upon review and approval of the Zoning Administrator, be permitted as an accessory use. Agricultural uses that require special use approval as a principal use in the applicable zoning district shall also require special use approval prior to establishment as an accessory use.

(J) *Accessory recreational and institutional land uses.* Recreational and institutional accessory uses are those which are incidental and subordinate to, and serving, the principal recreational and institutional use. Generally, any principal recreational and institutional use permitted by right within the applicable zoning district may, upon review and approval of the Zoning Administrator, be permitted as an accessory use. Recreational and institutional uses that require special use approval as a principal use in the applicable zoning district shall also require special use approval prior to establishment as an accessory use.

(K) *Accessory commercial land uses.* Commercial accessory uses are those which are incidental and subordinate to, and serving, the

principal commercial use. The following provide standards for permitted commercial accessory uses. Accessory uses not specifically listed herein, but similar to those permitted by right, may be permitted upon site plan review and approval by the Zoning Administrator or at the time of principal use approval by the decision making body. Accessory use not listed herein, but similar to those permitted as a special use, may be permitted with a special use permit.

(1) *Company-provided cafeteria.* A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets state and city food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

(2) *Company-provided day care center.* A company provided day care center, licensed by the State of Illinois.

(a) *Regulations:* Shall comply fully with all regulations pertaining to day care centers in § 154.406(C)(5).

(3) *Company-provided on-site recreation.* A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests.

(a) *Regulations:*

1. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.

2. Outdoor recreation facilities using night lighting shall install and continually



5. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

6. Outdoor display shall be permitted during the entire calendar year; however, if goods are removed from the display area, all support fixtures used to display the goods shall be removed within ten calendar days of the goods' removal.

7. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.

8. Facility shall provide a Type III bufferyard along all borders of the display area abutting public streets and residentially zoned property, as specified in § 154.605.

(10) *Outdoor entertainment.* These accessory land uses include a variety of entertainment uses, such as volleyball courts, horseshoe pits, and music stages, where the area of such uses does not exceed 15% of the floor area of the principal use.

(a) *Regulations:*

1. Activity areas shall not be located closer than 100 feet to a residentially zoned property.

2. Facility shall provide a Type IV bufferyard along all borders of the property abutting residentially zoned property, as specified in § 154.605.

3. Outdoor entertainment uses shall comply with all other city and state regulations regarding such uses, including, but not limited to, those dealing with noise and lighting.

4. Outdoor musical entertainment in Downtown Commercial District shall also be in compliance with the following:

a. Performing is limited to 10:00 a.m. to 10:00 p.m.

b. No performer shall utilize any speaker, microphone or mechanical amplification device.

c. 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.

(L) *Accessory transportation land uses.* Transportation accessory uses are those which are incidental and subordinate to, and serving, the principal transportation use. Generally, any principle transportation use permitted by right within the applicable zoning district may, upon review and approval of the Zoning Administrator, be permitted as an accessory use. Transportation uses that require special use approval as a principal use in the applicable zoning district shall also require special use approval prior to establishment as an accessory use.

(M) *Accessory storage, disposal, and industrial land uses.* Storage, disposal and industrial accessory uses are those which are incidental and subordinate to, and serving, the principal storage, disposal and industrial use. The following provide standards for permitted storage, disposal and industrial accessory uses. Accessory uses not specifically listed herein, but similar thereto, may be permitted upon site plan review and approval by the Zoning Administrator or at the time of principal use approval by the decision making body.

(1) *Indoor sales incidental to storage or light industrial use.* These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site.

(a) *Regulations:*

1. Adequate parking, per the requirements of § 154.601(H), shall be provided for customers. Said parking shall be in addition to that required for customary light industrial activities.

2. The total area devoted to sales activity shall not exceed 25% of the total area of the buildings on the property. Areas devoted to artisan studio uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a special use permit for such use.

3. Shall provide restroom facilities directly accessible from retail sales area.

4. Retail sales area shall be physically separated by a wall from other activity areas.

(N) *General accessory land uses.*

(1) *Caretaker's residence.* This land use includes any residential unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration.

(a) *Regulations:*

1. Shall provide housing only for on-site caretaker and family.

2. Shall provide a minimum of two on-site parking spaces.

(2) *Drainage structure.* These include all improvements including, but not limited to, swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to effect the direction, rate and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site.

(a) *Regulations:*

1. Shall comply with § 154.508 regarding protection measures for drainageways.

2. Any drainage improvement shall not increase the rate or volume of discharge from the subject property onto any adjacent properties, except where regional stormwater management facilities such as storm sewers and retention or detention facilities are in place to serve the subject property.

(3) *Exterior communication devices.* This land use includes any device (e.g. satellite dishes, ham radio towers, TV antennas) used for communication reception, other than those defined as communication towers.

(a) *Regulations:*

1. Except for television antennas and satellite dishes 18 inches or smaller, exterior communication devices shall not be visible from a public street.

2. Devices must be sited an equal or greater number of feet from property lines as their maximum height and may not be located in a required street yard.

3. The applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual impacts of the device.

(4) *Filling.* Filling includes any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state.

(a) *Regulations:*

1. Shall comply with §§ 154.501 through 154.510 regarding protection measures for natural resources.

2. Shall not create drainage onto other properties.

3. Shall not impede on-site drainage.

4. Shall comply with provisions of the Chapter 153, Subdivision Regulations.

(5) *Heliport.* Facility providing takeoff and landing services only for helicopters. Servicing and storage of helicopters is prohibited.

(a) *Regulations:* Shall comply with all state and federal aviation standards and permitting requirements.

(6) *Lawn care.* Lawn care includes any activity involving the preparation of the ground, installation and maintenance of vegetative ground cover (including gardens) which complies with the city's code of ordinances. Lawn care is not permitted in certain permanently protected green space areas in § 154.404.

(7) *On-site parking lot.* On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered; licensed, and operative.

(O) *Temporary land uses.*

(1) *General temporary outdoor sales.* Includes the display of any items outside the confines of a building which is not otherwise permitted as a permitted or special use, or a special event not otherwise regulated by the city's code of ordinances. Examples of this land use include but are not limited to: seasonal garden shops and tent sales.

(a) *Temporary use regulations:*

1. Any temporary use permit for general outdoor sales shall not exceed a time period of 30 calendar days. No such general outdoor sales may occur on the Saturday and Sunday of Country Fair Weekend. A maximum of one temporary use permit for general temporary outdoor sales shall be allowed on any one parcel or lot per vendor per calendar year.

2. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

3. Signage shall comply with the requirements for temporary signs in § 154.801 through 154.815.

4. Adequate parking shall be provided.

5. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

6. Shall comply with all standards and procedures applicable to all temporary uses in § 154.913.

(2) *Outdoor assembly.* Includes any organized outdoor assembly of more than 100 persons.

(a) *Temporary use regulations:*

1. A street use permit is required for all activities within a dedicated public right-of-way.

2. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

3. Signage shall comply with the requirements for temporary signs in §§ 154.801 through 154.815.

4. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.

5. If subject property is located adjacent to a residential area, activities shall be limited to daylight hours.

6. Adequate provisions for crowd control shall be made, and shall be described within the application.

7. Shall comply with all standards and procedures applicable to all temporary uses in § 154.913.

(3) *Contractor's project office.* Includes any structure containing an on-site construction management office for an active construction project.

(a) *Temporary use regulations:*

1. Structure shall not exceed 2,000 square feet in gross floor area.
2. Facility shall be removed within ten days of issuance of occupancy permit.
3. Shall not be used for sales activity as set forth in division (6) below.
4. Projects requiring land use to be in place for more than 365 days shall require a special use permit.
5. Shall comply with all standards and procedures applicable to all temporary uses in § 154.913.

(4) *Contractor's on-site equipment storage facility.* Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

(a) *Temporary use regulations:*

1. Facility shall be removed within ten days of issuance of occupancy permit.
2. Projects requiring land use to be in place for more than 365 days shall require a special use permit.
3. Shall be limited to a maximum area not exceeding 10% of the property's gross site area.
4. Shall comply with all standards and procedures applicable to all temporary uses in § 154.913.

(5) *Relocatable building.* Includes any manufactured building which serves as a temporary

building for less than six months. (Facilities serving for more than six months shall be considered special uses and subject to the general standards and procedures presented in § 154.924.)

(a) *Temporary use regulations:*

1. Shall conform to all setback regulations.
2. Shall conform to all building code regulations.
3. Shall comply with all standards and procedures applicable to all temporary uses in § 154.913.

(6) *On-site real estate sales office.* Includes any building which serves as an on-site sales office for a development project.

(a) *Temporary use regulations:*

1. Structure shall not exceed 5,000 square feet in gross floor area.
2. Facility shall be removed or converted to a permitted land use within ten days of the completion of sales activity.
3. Signage shall comply with the requirements for temporary signs in §§ 154.801 through 154.815.
4. Projects requiring land use to be in place for more than 365 days shall require a special use permit.
5. Shall comply with all standards and procedures applicable to all temporary uses in § 154.913.

(7) *Seasonal outdoor sales of farm products.* Includes any outdoor display of farm products not otherwise regulated by the city's code of ordinances.

(a) *Temporary use regulations:*

1. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

2. Signage shall comply with the requirements for temporary signs in §§ 154.801 through 154.815.

3. Adequate parking shall be provided.

4. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

5. Shall comply with all standards and procedures applicable to all temporary uses in § 154.913.

(Ord. O-05-04, passed 4-11-05; Am. Ord. O-06-32, passed 10-23-06; Am. Ord. O-07-11, passed 6-11-07; Am. Ord. O-09-14, passed 6-22-09; Am. Ord. O-12-30, passed 12-26-12; Am. Ord. O-14-01, passed 1-13-14; Am. Ord. O-13-19, passed 11-25-13; Am. Ord. O-14-05, passed 3-24-14; Am. Ord. O-14-11, passed 9-8-14)

§ 154.407 GROUP DEVELOPMENTS.

(A) *Definition.* A **GROUP DEVELOPMENT** is any development containing:

(1) Any single structure on a single lot which contains 17 or more dwelling units or 10 or more nonresidential uses; and/or,

(2) Any single structure that requires special use approval as per § 154.924 due to its size. Common examples of group developments include apartment buildings, apartment complexes, condominium complexes, strip centers, shopping centers, and office centers.

(B) *Permitted by right.* Not applicable.

(C) *Special use regulations.* Any land use that is permitted as a permitted by right land use or as a special use within the applicable zoning district(s) is

permitted to locate within a group development. The detailed land use regulations of this division that pertain to individual land uses shall also apply to individual land uses within a group development, as will all other applicable provisions of this chapter. Therefore, land uses permitted by right in the zoning district shall be permitted by right within an approved group development (unless otherwise restricted by the conditions of approval imposed during the special use approval for the group development as a whole), and land uses permitted as a special use in the zoning district shall be permitted within the group development only with special use approval for the specific use. In all cases, the following special use conditions shall be applied to the group development as a whole, and to individual uses within the group development:

(1) All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.

(2) The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.

(3) No group development shall take access to a local residential street.

(4) All development located within a group development shall be located so as to comply with the intent of this chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be situated within building area envelopes that serve to demonstrate complete compliance with said intent. Building area envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future, (if such action is so desired).

(5) The following standards shall apply to all single structures that require special use approval as per § 154.924 due to their size and to all

multi-building group developments in which the combined total of all structures on a site, regardless of diverse ownership, use or tenancy, combine to exceed twice the maximum build size requiring special use approval. These conditions shall also be applied to the entire building and site in instances where building additions cause the total building size to exceed these amounts. Such conditions shall apply to both the building additions and to older portions of the building and the site that were constructed prior to the adoption of this section.

(a) Building exterior materials shall be of high quality on all sides of the structure including glass, brick, decorative concrete block, or stucco.

(b) Decorative architectural metal with concealed fasteners may be approved with special permission from the city.

(c) Building exterior design shall be unified in design and materials throughout the structure, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. A minimum of 20% of the combined facades of the structure shall employ actual facade protrusions or recesses. A minimum of 20% of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight feet or more. Roofs with particular slopes may be required by the city to complement existing buildings or otherwise establish a particular aesthetic objective.

(d) Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views with materials identical to those used on the building exterior.

(e) Standard corporate trademark building designs, materials, architectural elements, and colors all shall be acceptable, as determined by the city, only as subtly integrated into the more generic design of the building as a whole. Color

schemes of all architectural elements shall be muted, neutral, non-reflective and non-use nor tenant specific.

(f) Public entryways shall be prominently indicated from the building's exterior design, and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances.

(g) Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, a screening wall which will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.

(h) Vehicle access from public streets shall be designed to accommodate peak traffic volumes without disrupting traffic on public streets from inadequate throat length access, drive-width or design, or inadequate driveway location. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant's traffic engineer to not adversely impact off-site public roads, intersections, and interchanges during the traffic peak associated with a full parking lot. Where the project shall adversely impact off-site traffic, the city may deny the application, may require a size reduction in the proposed development, or may require off-site improvements.

(i) Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking isle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking isle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.

(j) A minimum of one 200 square foot cart return area shall be provided for every parking.

Galena - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-13-04	4-22-13	Annexing 33.71 acres in East Galena Township.
O-13-16	11-12-13	Annexing 2.20 acres, a split parcel 43-13-000-075-000.
O-15-08	4-14-15	Amending annexation agreement previously entered into for a development known as Cobblestone Crossing.

Galena - Table of Special Ordinances

TABLE V: INTERGOVERNMENTAL CONTRACTS

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



TABLE VI: REAL ESTATE TRANSACTIONS

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



TABLE VII: VACATIONS

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

Galena - Table of Special Ordinances

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

TABLE IX: ZONING MAP AMENDMENTS

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

Galena - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
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

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
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-14-08	7-14-14	Regulating wages of laborers, mechanics and other workers employed in public works projects for 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.

Galena - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
O-15-07	4-6-15	Abating certain taxes heretofore levied by the city.
O-15-09	6-22-15	Regulating wages of laborers, mechanics and other workers employed in public works projects for the city.

<i>ILCS Section</i>	<i>Code Section</i>
Ch. 425, Act 35, § 2.2	93.61
Ch. 425, Act 35, § 2.3	93.61
Ch. 425, Act 35, § 4	93.62
Ch. 425, Act 60, § 1 et seq.	150.10
Ch. 430, Act 65, §§ 0.01-16.3	Ch. 38
Ch. 510, Act 5, § 24	91.01
Ch. 510, Act 70	119.07
Ch. 605, Act 120, §§ 1 et seq.	70.55
Ch. 625, Act 5, § 1-102	70.01
Ch. 625, Act 5, § 1-105	70.01
Ch. 625, Act 5, § 1-106	70.01
Ch. 625, Act 5, § 1-107	70.01
Ch. 625, Act 5, § 1-108	70.01
Ch. 625, Act 5, § 1-111.8	70.01
Ch. 625, Act 5, § 1-112	70.01
Ch. 625, Act 5, § 1-113	70.01
Ch. 625, Act 5, § 1-116	70.01
Ch. 625, Act 5, § 1-120	70.01
Ch. 625, Act 5, § 1-125	70.01
Ch. 625, Act 5, § 1-126	70.01
Ch. 625, Act 5, § 1-130	70.01
Ch. 625, Act 5, § 1-131	70.01
Ch. 625, Act 5, § 1-132	70.01
Ch. 625, Act 5, § 1-133.1	71.001
Ch. 625, Act 5, § 1-135	70.01
Ch. 625, Act 5, § 1-136	70.01
Ch. 625, Act 5, § 1-137	70.01
Ch. 625, Act 5, § 1-138	70.01
Ch. 625, Act 5, § 1-139.1	70.01
Ch. 625, Act 5, § 1-140	70.01
Ch. 625, Act 5, § 1-140.10	70.01
Ch. 625, Act 5, § 1-140.15	70.01
Ch. 625, Act 5, § 1-141	70.01

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
O-07-23	8-27-07	T.S.O. XI
O-07-24	9-24-07	Ch. 154, Appendix C
O-07-25	10-8-07	Adopting Ordinance
O-07-26	10-22-07	T.S.O. IX
O-07-27	11-12-07	T.S.O. VII
O-07-28	10-13-07	T.S.O. II
O-07-29	11-13-07	T.S.O. XI
O-07-30	12-12-07	T.S.O. XI
O-07-31	12-26-07	110.45, 150.03
O-08-01	1-14-08	T.S.O. XI
O-08-02	1-14-08	T.S.O. XI
O-08-03	1-28-08	136.07, 136.99
O-08-04	1-28-08	135.01
O-08-06	3-24-08	T.S.O. XI
O-08-07	3-24-08	35.95 - 35.103
O-08-08	3-24-08	35.110 - 35.118
O-08-09	4-14-08	72.52, 72.99, 110.35, 110.43, 110.44, 111.30
O-08-10	4-28-08	35.20 - 35.22
O-08-12	7-14-08	40.01
O-08-13	8-25-08	51.004
O-08-14	9-8-08	T.S.O. XI
O-08-15	9-8-08	T.S.O. VII
O-08-16	9-8-08	T.S.O. I
O-08-17	9-8-08	T.S.O. IX
O-08-18	9-22-08	Ch. 78, Sch. I
O-08-19	9-22-08	111.53
O-08-20	9-22-08	Ch. 79, Sch. II
O-08-22	10-27-08	30.08
O-08-23	10-27-08	T.S.O. XI
O-08-24	12-8-08	T.S.O. I
O-08-25	12-22-08	T.S.O. XI
O-09-01	1-12-09	T.S.O. XI
O-09-02	1-12-09	T.S.O. XI
O-09-04	2-23-09	T.S.O. VII
O-09-05	2-23-09	Adopting Ordinance
O-09-06	2-23-09	111.02, 110.35
O-09-07	3-23-09	150.09
O-09-08	4-13-09	Ch. 154, Appendix C
O-09-09	4-13-09	154.202
O-09-10	4-13-09	154.015
O-09-11	4-13-09	136.08, 136.99
O-09-12	4-27-09	T.S.O. XI
O-09-13	6-8-09	40.01

Galena - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
O-09-14	6-22-09	154.406
O-09-15	6-22-09	72.99
O-09-16	7-27-09	T.S.O. VII
O-09-17	7-27-09	T.S.O. XI
O-09-18	8-24-09	154.804, 154.805
O-09-20	8-24-09	51.001 - 51.003, 51.005 - 51.007, 51.009 - 51.026, 51.101 - 51.107, 51.120 - 51.131, 51.140 - 51.150, 51.160, 51.999
O-09-21	9-14-09	50.01 - 50.12, 50.99
O-09-22	11-9-09	111.41
O-09-23	11-9-09	T.S.O. XI
O-09-24	11-9-09	T.S.O. XI
O-09-25	11-9-09	T.S.O. X
O-09-26	11-23-09	Ch. 79, Sch. I, II, IV
O-09-27	12-14-09	T.S.O. XI
O-09-28	12-28-09	T.S.O. XI
O-10-01	1-11-10	T.S.O. XI
O-10-02	1-11-10	T.S.O. X
O-10-03	1-25-10	T.S.O. XI
O-10-04	2-8-10	T.S.O. XI
O-10-05	2-22-10	39.01 - 39.05
O-10-06	3-8-10	111.01, 111.16, 111.17, 111.18, 111.20, 111.40, 111.43, 111.54
O-10-07	3-22-10	110.45
O-10-08	3-22-10	154.814
O-10-09	3-22-10	154.804
O-10-10	3-22-10	154.804, 154.806
O-10-11	3-22-10	154.809
O-10-12	4-12-10	T.S.O. XI
O-10-15	6-14-10	34.03
O-10-16	6-14-10	154.104
O-10-17	6-14-10	40.01
O-10-18	6-14-10	Adopting Ordinance
O-10-19	5-24-10	154.015, 154.804, 154.806
O-10-20	6-14-10	91.01 - 91.08, 91.20 - 91.29, 91.40 - 91.43, 91.60, 91.70
O-10-21	6-14-10	111.50
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