

Ordinance #O-14-09

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

Adopted by the City Council of the City of Galena this 14th Day of July 2014.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 14th Day of July 2014.

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

CERTIFICATE

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

I further certify that on the 14th Day of July 2014, the Corporate Authorities of said municipality passed and approved Ordinance No. O-14-09 entitled **AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE CITY OF GALENA, A MUNICIPAL CORPORATION** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. O-14-09 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 15th Day of July 2014 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 15th Day of July 2014.



Mary Beth Hyde
City Clerk

(Seal)

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 Tenth 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:

NAYS:

ABSENT:

Kieffer, Lincoln, Painter,
Greene

None

Bernstein, Fach, Renner

(SEAL)



Terry Renner, Mayor

ATTEST:



Mary Beth Hyde, City Clerk

**GALENA, ILLINOIS
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2014 S-13 Supplement**

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CITY OF GALENA, ILLINOIS

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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 | Emily Painter |
| Charles Fach | Todd Lincoln |
| W. LaVerne Greene | Pam Bernstein |



ORDINANCE NO. O-13-01

**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 Twelfth 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 Twelfth 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 11th day of February, 2013.

AYES: Cording, Fach, Greene, Lincoln, Painter, Renner
NAYS: None
ABSENT: Murphy

Terry Renner /s/
Terry Renner, Mayor

(SEAL)

ATTEST:

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



CHAPTER 40: CITY POLICY

Section

40.01 Prevailing Wage Act adopted

§ 40.01 PREVAILING WAGE ACT ADOPTED.

(A) To the extent and as required by, "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the city is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Jo Daviess County area, as determined by the Department of Labor of the State of Illinois as of June 1, 2013, a copy of this determination being incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor of the State of Illinois shall supersede the Department's June determination and apply to any and all public works construction undertaken by the city. The definition of any terms appearing in this section, which are also used in the aforesaid Act, shall be the same as in said Act.

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

(C) The city shall publicly post or keep available for inspection by any interested party in the main office of the city this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

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

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

(Ord. O-97-04, passed 6-9-97; Am. Ord. O-98-13, passed 6-8-98; Am. Ord. O-99-7, passed 6-14-99; Am. Ord. O-00-14, passed 6-12-00; Am. Ord. O-01-09, passed 6-25-01; Am. Ord. O-02-17, passed 6-24-02; Am. Ord. O-05-17, passed 6-13-05; Am. Ord. O-07-12, passed 6-11-07; Am. Ord. O-08-12, passed 7-14-08; Am. Ord. O-09-13, passed 6-8-09; Am. Ord. O-10-17, passed 6-14-10; Am. Ord. O-11-17, passed 6-13-11; Am. Ord. O-12-14, passed 6-25-12; Am. Ord. O-13-11, passed 6-10-13)



CHAPTER 70: GENERAL PROVISIONS

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Statutory reference:

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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 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, an 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)

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

PERSON WITH DISABILITIES. A natural person who, as determined by a licensed physician, by a physician assistant who has been delegated the authority to make this determination by his or her supervising physician, or by an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to make this determination:

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

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

(3) Uses portable oxygen;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ROAD TRACTOR. Every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon, either independently or any part of the weight of a vehicle or load so drawn. (ILCS Ch. 625, Act 5, § 1-178)

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

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

SCHOOL BUS.

(1) Every motor vehicle, except as provided in division (2) below, owned or operated by or for any

LIGHT MOTOR VEHICLE NOISE CONTROL

§ 70.15 DECLARATION OF FINDINGS AND POLICY.

Excessive noise from light motor vehicles is a serious hazard to the public health and welfare, safety and the quality of life, and a substantial body of science and technology exists by which excessive noise from light motor vehicles may be substantially abated. The people have a right to and should be ensured an environment free from excessive noise that may jeopardize their health, welfare or safety or degrade the quality of life. It is the policy of the city to prevent excessive noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

('69 Code, § 20-98) (Ord. O-77-8, passed 10-10-77; Am. Ord. O-85-15, passed 9-23-85) Penalty, see § 70.99

§ 70.16 SCOPE.

This subchapter shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the city.

('69 Code, § 20-99) (Ord. O-77-8, passed 10-10-77)

§ 70.17 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All terminology used in this subchapter, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

LIGHT MOTOR VEHICLE. Any automobile, van, motorcycle, motor driven cycle, motor scooter

1999 S-1or light truck with gross vehicular weight of less than 8,000 pounds.

MODIFIED EXHAUST SYSTEM. An exhaust system in which:

(1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or

(2) The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or

(3) Devices have been added to the original noise abatement devices, such that noise levels are increased.

NOISE. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE LEVEL. This shall refer to the A-weighted sound level produced by a light motor vehicle.

PERSON. Any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

SOUND LEVEL METER. An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standard ANSI 51.4-1 971 or its successor.

SOUND PRESSURE LEVEL. Twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.

('69 Code, § 20-100) (Ord. O-77-8, passed 10-10-77)

§ 70.18 EXCESSIVE NOISE LEVELS.

(A) It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA in any area within the corporate limits. Measurement shall be made on pedestrian walkways or on other suitable locations at a point closest to the street in accordance with procedures outlined of the Code of Recommended Practices on file with the City Clerk. ('69 Code, § 20-101)

(B) In addition to the prohibition provided for in division (A) above, it shall be unlawful for any person to operate a light motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal. At the request of the operator of the light motor vehicle, the officer can administer a stationary motor vehicle noise test as outlined in the Code of Recommended Practices on file with the City Clerk. The stationary motor vehicle noise test can provide information as to the extent of defectiveness of the exhaust system or as to whether excessive noise levels were caused by improper operation of the light motor vehicle. ('69 Code, § 20-102)
(Ord. O-77-8, passed 10-10-77) Penalty, see § 70.99

§ 70.19 LIGHT VEHICLE NOISE CERTIFICATION.

It shall be mandatory that all light motor vehicles subject to registration in the city be certified for maximum noise level compliance with this subchapter on or before June 1, 1978. A stationary motor vehicle noise test will be conducted. Places and dates for testing will be available at city hall. Vehicles that are purchased after the above date shall be brought for testing within 30 days of the date of purchase, unless such vehicles are covered by the Federal New Product Noise Standards, in which case maximum noise compliance testing can be done at any time before the following registration period.
('69 Code, § 20-103) (Ord. O-77-8, passed 10-10-77) Penalty, see § 70.99

§ 70.20 SIGNALLING DEVICES.

(A) It shall be unlawful for any person to operate any horn or other audible signalling device on any motor vehicle except in an emergency or when required by law.

(B) Burglar alarms on light motor vehicles shall only be of the electronic signalling types which transmit nonaudible signals to receivers which can be carried by the owners or operators of the vehicles.
('69 Code, § 20-104) (Ord. O-77-8, passed 10-10-77) Penalty, see § 70.99

§ 70.21 NO WAKE AREA ON GALENA RIVER.

A "no wake" area is hereby established in the Galena River within the corporate limits of the city. A wake is defined as a movement of the water created by a boat underway great enough to disturb a boat at rest, but under no circumstances shall a boat underway exceed five miles per hour while in a posted "no wake" area. The operator or person in control of any boat which creates a wake in the "no wake" area shall be deemed to have violated this section.
('69 Code, § 20-98) (Ord. O-77-8, passed 10-10-77; Am. Ord. O-85-15, passed 9-23-85) Penalty, see § 70.99

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS**§ 70.40 OBEDIENCE TO POLICE OFFICERS.**

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman, person authorized by a local authority to direct traffic, or school crossing guard invested by law with authority to direct, control, or regulate traffic. Any person convicted of violating this section is guilty of a petty offense and shall be subject to a mandatory fine of \$150.
(ILCS Ch. 625, Act 5, § 11-203)

OVERTAKING AND PASSING

§ 71.040 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

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

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

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

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

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

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

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

(C) Upon any roadway having four or more lanes for moving traffic, and providing for two-way movement of traffic, no vehicle shall be driven to the

left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (A)(2). However, this division shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

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

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

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

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

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

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

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

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

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

(8) To law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

(ILCS Ch. 625, Act 5, § 11-701) Penalty, see § 70.99

§ 71.041 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least 1/2 of the main traveled portion of the roadway as nearly as possible.

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

§ 71.042 OVERTAKING VEHICLES ON THE LEFT.

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

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

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

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

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

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

(F) Every person convicted of division (E) of this section shall be guilty of a Class A misdemeanor if the violation does not result in great bodily harm or permanent disability or disfigurement to another. If the violation results in great bodily harm or permanent disability or disfigurement to another, the person shall be guilty of a Class 3 felony, to be prosecuted under appropriate state law.

(ILCS Ch. 625, Act 5, § 11-703) Penalty, see § 70.99

§ 71.043 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.

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

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

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

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

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

(C) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. Such movement shall not be made by driving off the roadway.

(ILCS Ch. 625, Act 5, § 11-704) Penalty, see § 70.99

(C) Any person found guilty of violating the provisions of this section shall be fined as set forth in § 72.99 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this section. It shall not be a defense to a charge under this section that either the sign posted pursuant to this section or the intended accessible parking place does not comply with the technical requirements of ILCS Ch. 625, Act 5, § 11-301, department regulations, or local ordinances, if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities.

(D) As used in this section, **AUTHORIZED HOLDER** means an individual issued a disability license plate under ILCS Ch. 625, Act 5, § 3-616, an individual issued a parking decal or device under ILCS Ch. 625, Act 5, § 11-1301.2, or an individual issued a disabled veteran's license plate under ILCS Ch. 625, Act 5, § 3-609.

(E) Any police officer may seize the parking decal or device from any person who commits a violation of this section. Any police officer may seize the disability license plate upon authorization from the Secretary of State. Any police officer may require that the Secretary of State revoke the parking decal or device or the disability license plate of any person who commits a violation of this section. (Am. Ord. O-00-04, passed 2-14-00) Penalty, see § 72.99

Statutory reference:

For similar provisions under state law, see ILCS Ch. 625, Act 5, § 11-1301.3

PARKING DURING SNOW PLOWING AND REMOVAL

§ 72.15 EMERGENCY DECLARED.

An emergency is hereby declared to exist in the city by reason of a heavy snowstorm whenever snow falls during any period of 24 hours, or less, to a depth of three inches or more. Such emergency is declared to continue for a period of 48 hours or until such

earlier time as snow plowing operations have been declared completed by the Superintendent of Streets. ('69 Code, § 20-16) (Ord. passed 10-25-60)

§ 72.16 PARKING PROHIBITED DURING CERTAIN HOURS.

Whenever such an emergency exists and the Superintendent of Streets shall have caused announcement thereof to be made by posting signs at reasonable intervals upon the streets involved, it shall be unlawful for any person to park or permit to be parked, any vehicle of any kind or description between the hours as posted upon any street so posted; provided that vehicles may be parked for a period of time not longer than three minutes for actual loading or unloading of passengers or 30 minutes for actual loading or unloading of property; provided further that no other ordinance restricting parking as to place or time is violated thereby.

('69 Code, § 20-17) (Ord. passed 10-25-60) Penalty, see § 72.99

§ 72.17 VEHICLES INTERFERING WITH REMOVAL OF SNOW.

No vehicle shall be parked upon any street in the city in such a manner to interfere with the removal of snow or ice from such street.

('69 Code, § 20-18) (Ord. passed 10-25-60) Penalty, see § 72.99

§ 72.18 PLACEMENT OF SIGNS PROHIBITING PARKING; DUTY OF SUPERINTENDENT OF STREETS.

The Superintendent of Streets is hereby authorized and empowered to erect signs prohibiting parking upon any street in the city upon which snow removal equipment is operating and upon erecting of such signs parking therein shall be prohibited until such signs shall be removed by the Superintendent of Streets.

('69 Code, § 20-19) (Ord. passed 10-25-60) Penalty, see § 72.99

§ 72.19 REMOVAL OF UNLAWFULLY PARKED VEHICLES.

Any vehicle located or parked within the limits of any streets within the city which is substantially interfering with the prompt and orderly removal or plowing of snow or ice from such streets in violation of §§ 72.02 and 72.56 hereof is hereby declared to be a nuisance and may be removed by or under the direction of the Superintendent of Streets to any place for safekeeping.

('69 Code, § 20-20) (Ord. passed 10-25-60) Penalty, see § 72.99

§ 72.20 NOTICE OF REMOVAL.

In the event the Superintendent of Streets shall remove or cause to be removed any vehicle in accordance with the preceding section hereof, he shall make a record thereof and shall, within 24 hours thereafter, give written notice to the owner at his last known address, if known; and if the owner be unknown, on the first publication day following the day of such removal publish such notice at least once in the newspaper having general circulation in the city. Such notice shall include a statement of the time of removal, the place of storage, a description of the vehicle and the registration number, if any.

('69 Code, § 20-21) (Ord. passed 10-25-60) Penalty, see § 72.99

§ 72.21 COST OF REMOVAL.

The cost of removal of any vehicle removed in accordance with this subchapter and the storage charge, if any, shall be paid by the owner of such vehicle but any such charges shall not be considered a fine, penalty or forfeiture.

('69 Code, § 20-22) (Ord. passed 10-25-60) Penalty, see § 72.99

PARKING LOTS

§ 72.35 APPLICATION OF PROVISIONS.

This subchapter shall apply to municipal parking lot Number 1, situated in the block bounded by Commerce Street, Washington Street, Water Street and Green Street, municipal parking lot Number 2 in the 500 block of South Main Street; municipal parking lot Number 3 in Depot Park and to each and every municipal parking lot hereafter acquired and established as such by the city and further applying to such streets or areas of streets as are hereinafter defined. This subchapter shall further apply to such parking areas of the state, not within platted streets of the city as said state may by appropriate action request city enforcement.

('69 Code, § 20-30) (Ord. passed 5-26-59; Am. Ord. O-06-28, passed 10-9-06)

Statutory reference:

Authority of city to locate and regulate the use of parking lots, see ILCS Ch. 65, Act 5, § 11-42-8

§ 72.36 TIME LIMITATION FOR PARKING VEHICLES.

It shall be unlawful for any person to park a vehicle for longer than 24 hours at any one time within any municipal parking lot now existing or hereafter created or any other parking area coming within the scope of this subchapter by appropriate action. This section shall not apply to any parking stalls leased on a month to month or longer term basis from the city. ('69 Code, § 20-31) (Ord. passed 5-26-59; Am. Ord. O-74-1, passed 1-14-74) Penalty, see § 72.99

§ 72.37 PARKING LOTS DIVIDED INTO SPECIFIC AREAS; VIOLATIONS.

(A) Municipal parking lots shall be divided into separate parking areas for motor vehicles of division

(D) No person shall stand on or in the proximity of a roadway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (ILCS Ch. 625, Act 5, § 11-1006) Penalty, see § 70.99

§ 75.08 PEDESTRIANS WALKING ON HIGHWAYS.

(A) Except as provided in division (E) below, where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(B) Except as provided in division (E) below, where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(C) Except as provided in division (E) below, where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of a roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(D) Except as otherwise provided in this chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(E) Upon highways where the maximum posted speed limit is 45 miles per hour or less, and during the period from sunrise to sunset, a pedestrian who is 18 years of age or older and wearing in-line speed skates may travel upon the roadway as near as practicable to an outside edge of the roadway. Pedestrians wearing in-line speed skates upon a roadway may not impede or obstruct other vehicular traffic. Pedestrians wearing in-line speed skates shall be subject to all other rights and duties under ILCS Ch. 625, Act 5, §§ 11-1001 et seq. Nothing in this code shall be construed to prevent a pedestrian wearing in-line speed skates from using a lane designated for bicycles. (ILCS Ch. 625, Act 5, § 11-1007) Penalty, see § 70.99

§ 75.09 RIGHT-OF-WAY ON SIDEWALKS.

The driver of a vehicle shall yield the right-of-way to any pedestrians on a sidewalk. (ILCS Ch. 625, Act 5, § 11-1008) Penalty, see § 70.99

§ 75.10 PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES.

Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and visual signals meeting the requirements of ILCS Ch. 625, Act 5, § 12-601, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle. (ILCS Ch. 625, Act 5, § 11-1009) Penalty, see § 70.99

§ 75.11 PUBLIC INTOXICATION.

It shall be unlawful for any person who is in a state of intoxication or drunkenness to be or appear under any circumstances in any street or public place or in any place or premises open to the public view within the city. It shall be unlawful for any such person to be or appear in any private house or place to the annoyance of any person. (Am. Ord. O-05-15, passed 5-23-05; Am. Ord. O-12-01, passed 2-13-12) Penalty, see § 70.99

§ 75.12 BRIDGE AND RAILROAD SIGNALS.

(A) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(B) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed. (ILCS Ch. 625, Act 5, § 11-1011) Penalty, see § 70.99

§ 75.13 MOTORIZED WHEELCHAIRS.

Every person operating a motorized wheelchair upon a sidewalk or roadway shall be granted all the rights and shall be subject to all the duties applicable to a pedestrian.

(ILCS Ch. 625, Act 5, § 11-1004.1)

CHAPTER 96: PARKS AND RECREATION

Section

- 96.01 Description, boundaries of Grant Park
- 96.02 Disposition of funds
- 96.03 Traffic regulations in parks
- 96.04 Loitering in parks after midnight

§ 96.03 TRAFFIC REGULATIONS IN PARKS.

(A) It shall be unlawful for any driver of any motor vehicle to drive in or upon the property commonly known as "Recreation Park" at a speed in excess of 20 miles per hour, or to drive or park his motor vehicle in any place other than a designated roadway or parking area. ('69 Code, § 14-3) (Ord. O-72-18, passed 6-27-72)

§ 96.01 DESCRIPTION, BOUNDARIES OF GRANT PARK.

Blocks seven and eight on the east side of Galena River, in the city, and that portion of Van Buren Street dividing said blocks, heretofore vacated, shall be known and designated as Grant Park. ('69 Code, § 14-1) (Ord. passed 5-5-1891)

Statutory reference:

Authority of city to purchase and maintain public park for use of city, see ILCS Ch. 65, Act 5, § 11-98-1

(B) It shall be unlawful for anyone to operate a motor vehicle, motorcycle, motor bicycle or other motor driven vehicle, in, upon or across those areas located within the city commonly known as Grant Park, Cemetery Park, the Galena River Dike (on both sides of the Galena River) and the Galena "Tot Lots" located on Ridge Street and Bouthillier Street. ('69 Code, § 14-4) (Ord. O-79-07, passed 7-23-79) Penalty, see § 10.99

§ 96.02 DISPOSITION OF FUNDS.

All monies received from the annual tax levy for parks and all monies that may in any manner be contributed, bequeathed or raised for the purpose of parks shall be deposited with the City Treasurer, who shall keep the monies in a separate and distinct fund to be known as the "Parks Fund," from which disbursements shall be made in the manner prescribed in this code. ('69 Code, § 14-2) (Ord. O-72-18, passed 6-27-72)

§ 96.04 LOITERING IN PARKS AFTER MIDNIGHT.

(A) *Prohibited.* It shall be unlawful for any person to loiter, lounge, congregate in or to occupy any portion of any city park or playground after 11:00 p.m. or the city cemetery between 6:00 p.m. and 8:00 a.m. from May through October or between 4:00 p.m. and 8:00 a.m. from November through April, provided, however, that nothing in this section shall prevent the uninterrupted passage of any person or persons through said parks over any regularly traveled walk after said hour.

(B) *Special permissions.* Notwithstanding the prohibitions described in division (A), the City Council may give permission to congregate in or occupy a park after 11:00 p.m. or a cemetery after the hours set forth in division (A) on a case-by-case basis provided the use would not be disruptive.

(C) *Enforcement of provisions.* It shall be the duty of any person placed in charge of a park, playground or cemetery, or any member of the Police Department to enforce the provisions of division (A) and to cause the arrest and commitment of any persons violating any of its provisions.

('69 Code, § 14-6) (Ord. passed 8-7-17; Am. Ord. O-12-26, passed 12-10-12) Penalty, see § 10.99

CHAPTER 97: STREETS AND SIDEWALKS

Section

General Provisions

- 97.01 Street Superintendent
- 97.02 City officers and employees to report defects in streets
- 97.03 Depositing injurious matter in streets
- 97.04 Installation of culverts
- 97.05 Leaving uncovered or unguarded cellar doors, pits and the like
- 97.06 Grades
- 97.07 Merchandise not to be placed on public ways
- 97.08 Removal of snow, other encumbrances from sidewalks
- 97.09 Awnings, sheds, porches
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- 97.13 Trimming trees, shrubs
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- 97.25 Short title
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- 97.35 Sidewalk excavations
- 97.36 Protective measures; attractive nuisance
- 97.37 Care of excavated material
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- 97.39 Property lines and easements
- 97.40 Clean up
- 97.41 Protection of water courses
- 97.42 Breaking through pavement; tunnels
- 97.43 Backfilling
- 97.44 Restoration of surface
- 97.45 Brick and cobblestone streets
- 97.46 City's right to restore surface
- 97.47 Prompt completion of work
- 97.48 Urgent work; emergency action
- 97.49 Preservation of monuments
- 97.50 Nonliability of city
- 97.51 Provisions not applicable to city work
- 97.52 Violations

Cross-reference:

Fires in streets, see § 93.03

Litter, see §§ 136.20 - 136.26

Statutory reference:

General authority of municipality relative to streets and sidewalks, see ILCS Ch. 65, Act 5, §§ 11-80-1 et seq.

GENERAL PROVISIONS

§ 97.01 STREET SUPERINTENDENT.

(A) *Office created; appointment.* There is created the office of Street Superintendent, who shall be appointed annually by and responsible to the Director of Streets and Public Improvements.

(B) *Duties.* He shall supervise all personnel of this department, assign duties, prescribe regulations and be responsible for property connected with the Department subject to the general supervision of the Director.

('69 Code, § 18-1) (Ord. passed 4-4-50)

§ 97.02 CITY OFFICERS AND EMPLOYEES TO REPORT DEFECTS IN STREETS.

It shall be the duty of every city official or employee to report to the Director of Streets and Public Improvements every defect observed in any pavement of any street or alley; and it shall be the duty of the Director to either repair same promptly or report it to the City Council, after first barricading the same so as to avoid injury to any person or vehicle. ('69 Code, § 18-2) (Ord. passed 4-4-50)

§ 97.03 DEPOSITING INJURIOUS MATTER IN STREETS.

It shall be unlawful for any person to deposit on any street any matter, substance or material which may be harmful to the pavement thereof, or any waste, substance or material, or anything which might cause injury to any person or vehicle.

('69 Code, § 18-2) (Ord. passed 4-4-50)

Penalty, see § 10.99

Statutory reference:

Authority of city to prevent deposits of injurious matter in streets, see ILCS Ch. 65, Act 5, § 11-80-10

§ 97.04 INSTALLATION OF CULVERTS.

Any property owner desiring to install a tubular culvert along any city street shall purchase said tube and accomplish installation thereof under the following culvert policy of the city:

(A) The owner of the property requesting the tube shall buy the first tube after receiving the approval of the city as to size of the tube. The property owner may purchase the tube through the city.

(B) Installation of the tube shall be accomplished under the following options the choice of which shall be made by the property owner:

- (1) The city will install the tube.
- (2) The property owner may hire a

contractor to install the tube with prior approval and inspection by the city.

(C) The city assumes responsibility for the maintenance of 22 feet of culvert after the first installation. That portion of the culvert in excess of 22 feet shall be the responsibility of the property owner.

(D) The city shall have the sole authority to specify the appropriate size of the tube.

(E) If the property owner is able to obtain approval from the city for the installation of a plastic tube, the city will not be responsible for a maintenance of the 22 feet referred to in division (C) above. ('69 Code, § 18-20) (Ord. O-90-14, passed 6-11-90)

§ 97.05 LEAVING UNCOVERED OR UNGUARDED CELLAR DOORS, PITS AND THE LIKE.

No person in the city shall leave uncovered, open or unguarded, any cellar door, pit, coal hole, chute, vault, grating or other opening or passage leading from, into or upon any street, lane, alley or sidewalk built thereon; nor shall it be lawful for any person to permit any such opening or passage to remain in an unsafe or insecure condition, so that persons may fall into or be otherwise injured by the same by reason of the same being in whole or in part within the limits of any street, lane or sidewalk of said city.

('69 Code, § 18-5) (Ord. passed 9-5-05; Am. Ord. O-72-29, passed 10-24-72) Penalty, see § 10.99

§ 97.06 GRADES.

(A) *Grades to be on center line of streets.* All grades for streets in the city shall be on the center line of said streets, and the fixed points shall be at the center of the intersections of said street with each other or at the points at which, if they were extended, such streets would intersect, or at other points in the center line of said streets otherwise definitely located. ('69 Code, § 18-6)

(B) *Sidewalk grade requirements.* All

excavation work, to its original condition in accordance with the specifications of the City Engineer. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well tamped into place and this fill shall be topped with a minimum of at least one inch of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed one inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restoration and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of the City Engineer. If in the judgment of the City Engineer it is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation to remain until such time as the repair of the original pavement may be properly made.

(B) Permanent restoration of the street shall be made by the permittee in strict accordance with the specifications prescribed by the City Engineer to restore the street to its original and proper condition, or as near as may be.

(C) Acceptance or approval of any excavation work by the City Engineer shall not prevent the city from asserting a claim against the permittee and his or its surety under the surety bond required hereunder for incomplete or defective work if discovered within 24 months from the completion of the excavation work. The City Engineer's presence during the performance of any excavation work shall not relieve the permittee of its responsibility hereunder. ('69 Code, § 18-60) Penalty, see § 10.99

§ 97.45 BRICK AND COBBLESTONE STREETS.

(A) Brick and cobblestone streets, such as Johnson Street (intersecting with Park Avenue) and Perry Street (between Main Street and Bench Street), are protected as important parts of the city's history. Any portion of any brick or cobblestone street surface disturbed by any public or private agency for any reason must be replaced in a manner consistent with original construction. Any bricks or cobblestones removed from any street, whether through repair, reconstruction or removal, are the property of the City of Galena and must be returned to the Street Department.

(B) In circumstances where a brick or cobblestone street has previously been paved over with other material, the street shall be returned to its brick or cobblestone surface when resurfacing is required and the brick or cobblestone surface is deemed safe, practical, and economically feasible.

(C) *Repair.* Any utility cuts or other disturbances to brick or cobblestone street surfaces must be repaired in a manner consistent with original construction as outlined in § 97.44.

(D) *Removal or resurfacing.* Occasionally, circumstances may lead to a request for removal or resurfacing with another material of a section of a brick or cobblestone street. In making a determination concerning removal or resurfacing of a brick or cobblestone street, the Historic Preservation Commission must consider one or more of the following factors, plus any other information presented at the time of the request:

- (1) Adjacent to historic or potentially historic buildings;
- (2) Majority of the brick surface intact;
- (3) Importance to neighborhood history;
- (4) Importance to downtown redevelopment efforts;
- (5) Structural condition/indications for long-term stability.

(E) *Review.* Review of requests for removal or resurfacing should be conducted prior to project bid, and must be completed before removal or resurfacing can begin. Any contractor or department wishing to remove or alter a brick or cobblestone street surface must submit complete plans to the Historic Preservation Commission, and review of such plans will be placed on the next available agenda of the Commission. The Historic Preservation Commission shall forward its recommendation to the City Council who shall make the final decision.
(Ord. O-12-23, passed 11-12-12)

§ 97.46 CITY'S RIGHT TO RESTORE SURFACE.

If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit, the City Engineer, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and 25% of such cost in addition for general overhead and administrative expenses. The city shall have a cause of action for all fees, expenses, and amounts paid out and due it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided and the city shall also enforce its rights under the permittee's surety bond provided pursuant to this subchapter. It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation or two years after restoring it to its original condition.
('69 Code, § 18-61) (Am. Ord. O-12-23, passed 11-12-12) Penalty, see § 10.99

§ 97.47 PROMPT COMPLETION OF WORK.

The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or

as near as may be, as soon as practicable and in any event not later than the date specified in the excavation permit therefor.

('69 Code, § 18-62) (Am. Ord. O-12-23, passed 11-12-12) Penalty, see § 10.99

§ 97.48 URGENT WORK; EMERGENCY ACTION.

(A) If in his judgment traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the City Engineer shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible. ('69 Code, § 18-63)

(B) In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the City Engineer's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder. ('69 Code, § 18-64) (Am. Ord. O-12-23, passed 11-12-12) Penalty, see § 10.99

§ 97.49 PRESERVATION OF MONUMENTS.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the City Engineer.
('69 Code, § 18-65) (Am. Ord. O-12-23, passed 11-12-12) Penalty, see § 10.99

§ 97.50 NONLIABILITY OF CITY.

This subchapter shall not be construed as imposing upon the city or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit or the approval of any excavation work.

('69 Code, § 18-68) (Am. Ord. O-12-23, passed 11-12-12)

§ 97.51 PROVISIONS NOT APPLICABLE TO CITY WORK.

The provisions of this subchapter shall not be applicable to any excavation work under the direction of competent city authorities by employees of the city or by any contractor of the city performing work for and in behalf of the city necessitating openings or excavations in streets.

('69 Code, § 18-66) (Ord. O-74-3, passed 2-11-74; Am. Ord. O-12-23, passed 11-12-12)

§ 97.52 VIOLATIONS.

Every person convicted of a violation of any provisions of this subchapter shall be guilty of a misdemeanor.

('69 Code, § 18-69) (Ord. O-74-3, passed 2-11-74; Am. Ord. O-12-23, passed 11-12-12)



MENAGERIE. A collection of wild and/or dangerous animals for exhibition, for which admission is charged.

NONPROFIT ORGANIZATION. An organization which is legally chartered as non-profit, and charitable or educational in nature.

PAWNBROKER. A person who loans money on deposit or pledge of personal property or other valuable, or to deal in the purchase of personal property or other valuable thing on conditions of selling same back at a stipulated price.

PEDDLER. Any person soliciting, delivering or canvassing for the sale of goods, wares, products or services from house to house, place to place or street to street, except those persons participating in duly recognized fund raising events, including but not limited to, religious, charitable, patriotic, or philanthropic events defined above. This definition shall not apply to persons making regular sales or deliveries, on established routes throughout the year.

STREET PERFORMER. A person engaging in a performance that includes, but is not limited to, the following activities: playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, or creating visual art in its entirety as a performance.

VENDOR. See **ITINERANT VENDOR.**
(‘69 Code, § 12-2) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-00-35, passed 11-27-00; Am. Ord. O-09-06, passed 2-23-09; Am. Ord. O-12-28, passed 12-26-12)

§ 110.03 SOUND REPRODUCING DEVICES.

(A) It shall be unlawful to operate any sound amplification device or other device for the production



the event is taking place. All vendor permits must be displayed in plain view at each individual vendor's area.

(D) *Violations.* Violations of the regulations set herein are subject to a fine per § 110.99 of this chapter, and may lead to denial of future licenses. Additionally, the license for the event may be suspended by the Mayor or the Chief of Police per § 110.17, which would result in an immediate termination of all activities involved with the event for the duration of the event.

('69 Code, § 12-6) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-00-35, passed 11-27-00) Penalty, see § 110.99

§ 110.37 RAFFLES AND OTHER FUND RAISING EVENTS.

Events in which all gross proceeds are delivered to a nonprofit organization, as defined in this chapter, shall be exempt from these regulations. Said exemption shall not apply to lunchstands, which require licenses pursuant to § 110.15, and shall not apply when an appropriate assembly permit is required.

('69 Code, § 12-7) (Ord. O-92-5, passed 4-27-92) Penalty, see § 110.99

§ 110.38 FARMERS' MARKET.

(A) *License required.* It shall be unlawful to sell produce or food items as a farmers' market without first obtaining a license as provided for herein.



(B) *Requirements for obtaining a license.*

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

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

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

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

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

(C) *Regulations.*

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

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

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

(D) *License must be conspicuously posted.* The license must be posted, in a conspicuous location where said event is occurring, and must remain posted throughout the duration of said event.

('69 Code, § 12-8) (Ord. O-92-5, passed 4-27-92)
Penalty, see § 110.99

§ 110.39 STREET PERFORMERS.

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

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

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

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

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

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

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

(C) *Rules and regulations.*

(1) It shall be unlawful to block or restrict an open public street or sidewalk at any time.

(2) Performing is limited to 10:00 am. to 8:00 p.m.

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

(4) 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.

(5) No performer shall use any knife, sword, torch, flame, axe, saw, or other object that could cause serious bodily injury to any person.

(6) No performer shall construct, erect, or maintain any stage, platform, or similar structure for use during any performance.

(7) Performers may collect donations during or immediately following a performance, however no fee shall be charged for any performance.

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

('69 Code, § 12-9) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-03-29, passed 7-28-03; Am. Ord. O-04-18, passed 8-9-04; Am. Ord. O-12-28, passed 12-26-12) Penalty, see § 110.99

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

(A) *Definitions.*

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

(2) **OPEN AIR ASSEMBLY.** As used in this section shall be defined as the concourse or meeting together or congregation of 50 or more citizens held outdoors on public property, for the purpose of providing recreation, entertainment, or for having speakers or discussing some matter of public interest, provided that said gathering does not fall under licensing requirements found elsewhere in this chapter.

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

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

(C) *Miscellaneous regulations.*

(1) No exposition or convention center shall be operated between the hours of 1:00 a .m. and 6:00 a.m.

(2) *Nuisances prohibited.* No business or activity authorized under this chapter shall be so conducted or operated as to constitute a nuisance in fact, or to be considered dangerous to life or detrimental to the health, safety or welfare of the citizens or the general public as a whole.

(3) An approved license for the event must be posted in a conspicuous place, at or near the main entrance to the convention center, and shall be in plain view at all times the event is taking place. If applicable, all vendor permits must be displayed in plain view at each individual vendor's area.

(4) *Inspections.* Whenever inspection of a private convention center is reasonably necessary to assure compliance with the provisions of this section or any other regulation of the municipality, or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises, to admit thereto for inspection, any city officer or employee duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(D) *Suspension or revocation of license or permit.* All licenses and permits issued hereunder shall be subject to suspension or revocation pursuant to § 110.17.

(Ord. O-00-35, passed 11-27-00) Penalty, see § 110.99

Cross-reference:

Nuisances prohibited, see § 110.04

§ 110.99 PENALTY.

(A) Any person who violates any of the provisions of § 110.39 or who knowingly furnishes false information on the license application shall be subject to a fine of not more than \$750. Each day any violation shall continue shall constitute a separate offense.

(B) Violations of any other provision of this chapter, or Chapters 112 and 114, shall be punishable by a fine of not more than \$750. Each day any violation shall continue shall constitute a separate offense. If no license is required, or if there exists no current licensing fee for such event under which said violation occurred, said violation shall be subject to the violation penalties found in § 10.99.

('69 Code, § 12-19) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-12-28, passed 12-26-12)



This license may also be issued for the retail sale of beer and wine in a completely enclosed building between the hours of 12:00 noon and 12:00 midnight on Saturdays, Sundays and holidays and between 5:00 p.m. and 12:00 midnight Monday through Friday inclusive.

This license may also be issued for the retail sale of any alcoholic liquor in the building owned by the city and commonly known as Turner Hall between the hours of 12:00 noon and 12:30 a.m. on Saturdays, Sundays and holidays and between 5:00 p.m. and 12:00 midnight Monday through Friday inclusive. Applicants for this license may obtain no more than four such licenses in any calendar year. Any license issued under this section may be issued for a maximum of five days within any two week period.

The annual license fee shall be set by the City Council from time to time.

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

(G) Class "H" license shall be known as a first-class wine-maker's license and shall authorize the manufacture of less than 50,000 gallons of wine either on or off premises, the storage and sale of such wine, per year to distributors and others in the state and distributors and others from outside the state, as may be permitted by law. *WINE* shall be defined as set forth in § 111.01. A first-class wine-maker's license shall allow the licensee to sell and offer for sale at retail in the premises specified in such license not more than 10,000 gallons of wine per year for the use or consumption, either on or off premises, and for wine tasting for which remuneration may or may not be received. It shall be unlawful for such licensee to sell alcoholic liquor for consumption on or off the premises between the hours of 1:00 a.m. and 6:00

a.m., except New Year's Day, in which case such sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time.

(H) Class "I" license shall be known as a micro-brewery and brewpub license and shall authorize the manufacture by a micro-brewery or brewpub of less than 100,000 gallons of beer, and the storage and sale of such beer, per year to distributors, retailers and to nonlicensees in accordance with the Liquor Control Act (or similar act) of the State of Illinois. Said license for a micro-brewer shall also allow the licensee to receive one retailer's license for the premises in which he or she actually conducts such business, permitting only the sale of beer manufactured on such premises, but no such person shall be entitled to more than one retailer's license. It shall be unlawful for such licensee to sell alcoholic liquor for consumption on or off the premises between the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case such sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time.

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

(J) Class "K" license shall authorize the retail sale or delivery of alcoholic liquor for consumption (but not resale in any form) only on the premises of a convention center as defined herein. Sales of alcoholic liquor pursuant to this license shall be limited to the sale or provision of alcoholic liquor as an incidental part of the services provided by the convention center. It shall be unlawful for such licensee to sell alcoholic liquor for consumption on or off the premises between

the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case such sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time.

(K) A Class "L" license shall authorize the retail sale or delivery of alcoholic liquor for consumption (but not resale in any form) only on or off the premises of a caterer. Sales of alcoholic liquor pursuant to this license shall be limited to the sale or provision of alcoholic liquor as an incidental part of the food services provided by the caterer. Prepared meals and alcoholic liquors shall be sold at a package price agreed upon under contract. It shall be unlawful for such licensee to sell alcoholic liquor for consumption on or off the premises between the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case such sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time.

(L) Class "M" license shall be known as the bed and breakfast and small inn retailers license. It shall authorize the retail sale of wine for consumption on the premises only and by guests of the lodging establishment only, subject to the terms and restrictions of this and all other pertinent sections of this code. The license fee for the Class "M" license shall be \$100 per year.

(M) Class "N" license shall be known as the hotel wine package license. It shall authorize the retail sale of wine by hotels as part of a hotel room nightly rental package. The wine shall be for consumption off the premises or on the premises only in the room of the guest. Wine sales shall be limited to 1.5 liters bottled per room per rental night. The Class "N" license shall be subject to the terms and restrictions of this and all other pertinent sections of this code. The annual license fee shall be set by the City Council from time to time.

(N) Class "O" license shall be known as the craft distiller license. It shall authorize a distiller the manufacture of spirits by distillation in quantities not

to exceed the number of gallons authorized for production each year by a craft distillery in the Liquor Control Act of 1934 (ILCS Act 235, Ch. 5, §§ 1-1 et seq.) and the storage of such spirits. A craft distiller license shall allow the licensee to sell to distributors and to non-licensees in accordance with the Liquor Control Act (or similar act) of the State of Illinois. The craft distiller license shall allow the licensee to offer spirits manufactured by the licensee on the premises specified in such license for sale by the glass on the premises and in packaged form at retail on the premises specified in such license for the use or consumption off the premises. A craft distiller license shall permit the licensee to conduct tastings of spirits for which remuneration may or may not be received. A single tasting of distilled spirits shall not exceed one-fourth of one ounce. No more than three tastings of distilled spirits shall be provided to any person on any day. It shall be unlawful for such licensee to offer tastings or sell alcoholic liquor for consumption on or off the premises between the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case such tastings and sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee shall be set by the City Council from time to time.

(P) Class "P" license shall authorize the retail sale or delivery of alcoholic liquor for consumption (but not resale in any form) on the premises at meetings, gatherings, receptions, conventions and special events, of a hotel or small inn that does not have restaurant or bar facilities. Sales of alcoholic liquor pursuant to this license shall be incidental to the lodging services provided by the hotel or small inn. It shall be unlawful for such licensee to sell alcoholic liquor for consumption on or off the premises between the hours of 1:00 a.m. and 6:00 a.m., except New Year's Day, in which case no sales shall not be made between the hours of 2:00 a.m. and 6:00 a.m. The annual license fee for the Class "P" license shall be set by the City Council from time to time. ('69 Code, § 3-9) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-92-26, passed 7-27-92; Am. Ord. O-94-14, passed 8-8-94; Am. Ord. O-95-25, passed 5-8-95; Am. Ord. O-97-07, passed 12-8-97; Am. Ord. O-99-10, passed 6-28-99; Am. Ord. O-00-08, passed 3-13-00; Am. Ord. O-00-09, passed 3-27-00; Am.

Ord. O-00-10, passed 3-27-00; Am. Ord. O-02-19, passed 7-8-02; Am. Ord. O-05-31, passed 9-26-05; Am. Ord. O-06-08, passed 4-24-06; Am. Ord. O-10-06, passed 3-8-10; Am. Ord. O-11-01, passed 1-10-11; Am. Ord. O-11-04, passed 1-10-11; Am. Ord. O-11-15, passed 5-23-11; Am. Ord. O-11-19, passed 6-27-11; Am. Ord. O-12-02, passed 3-12-12; Am. Ord. O-12-19, passed 8-27-12; Am. Ord. O-12-29, passed 12-26-12; Am. Ord. O-13-03, passed 3-25-13; Am. Ord. O-13-12, passed 6-24-13)

§ 111.21 PAYMENT OF FEES.

All fees for such licenses shall be paid to the Liquor Commissioner or his authorized agent and turned over to the Treasurer for deposit in the General Corporate Fund.
(‘69 Code, § 3-10) (Ord. O-71-3, passed 4-12-71)

§ 111.22 LIMITATION ON NUMBER.

There shall be no more than eight Class “A” licenses issued. There shall be no more than eight Class “B” licenses issued. There shall be no more than two Class “C” licenses issued. There shall be no more than four Class “F” licenses issued. There shall be no more than two Class “H” licenses issued. There shall be no more than two Class “I” licenses issued. There shall be no more than three Class “J” licenses issued. There shall be no more than two Class “O” licenses issued. There shall be no more than two Class “P” licenses issued. There shall be no limitation on the number of Class “D,” “E,” “K,” “L” or “M” licenses issued.
(‘69 Code, § 3-12) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-90-08, passed 4-9-90; Am. Ord. O-93-04, passed 1-25-93; Am. Ord. O-92-15, passed 6-8-92; Am. Ord. O-97-08, passed 12-12-97; Am. Ord. O-02-01, passed 1-14-02; Am. Ord. O-05-30, passed 8-22-05; Am. Ord. O-11-19, passed 6-27-11; Am. Ord. O-12-19, passed 8-27-12; Am. Ord. O-12-29, passed 12-26-12)

§ 111.23 DISPOSITION OF FEES.

All such fees shall be paid to the city to the Liquor Control Commissioner or his authorized agent at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the City Council by proper action. No license fee shall be refunded by the city except when the license applied for is denied as herein provided, or except as hereinafter provided in § 111.25.
(‘69 Code, § 3-21) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-75-6, passed 6-26-74)

§ 111.24 LIST OF LICENSES ISSUED.

The Local Liquor Control Commissioner shall keep or cause to be kept a complete record of all such licenses issued by him.
(‘69 Code, § 3-22) (Ord. O-71-3, passed 4-12-71)

§ 111.25 TRANSFER OF LICENSES.

A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the

expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the annual license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

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

§ 111.26 RENEWAL OF LICENSE.

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

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

§ 111.27 CHANGE OF LOCATION.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permission to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinances of the city.

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

§ 111.28 REVOCATION, SUSPENSION OF LICENSE.

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

liquor, as provided and in the manner provided in ILCS Ch. 235, Act 5, § 7-5.
('69 Code, § 3-32) (Ord. O-71-3, passed 4-12-71)

§ 111.29 NEW CONSTRUCTION.

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

use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. **TELECOMMUNICATIONS** shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. § 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. 76.1550 and following) as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER. Any telecommunications retailer; and any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER or **RETAILER** or **CARRIER.** Includes every person engaged in the business of making sales of telecommunications at retail as defined in this section. The city may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the city, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the city.

WIRELESS TELECOMMUNICATIONS. Includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. § 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.
(Ord. O-02-13, passed 5-13-02)

§ 116.02 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS.

(A) Every telecommunications provider as defined by this chapter shall register with the city within 30 days after the effective date of this chapter or becoming a telecommunications provider, whichever is later, on a form to be provided by the city, provided, however, that any telecommunications retailer that has filed a return pursuant to § 116.04(C) of this chapter shall be deemed to have registered in accordance with this section.

(B) Every telecommunications provider who has registered with the city pursuant to division (A) of this section has an affirmative duty to submit an amended registration form or current return as required by § 116.04(C), as the case may be, to the city within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the city.

(Ord. O-02-13, passed 5-13-02) Penalty, see § 116.99

§ 116.03 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.

(A) A city telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 6% (fee may be imposed in quarter percent increments of not more than 1.0%) of all gross charges charged by the telecommunications retailer to service addresses within the city for telecommunications originating or received in the city.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this chapter, the city infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the city by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this

chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The city telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced, and administered as set forth in § 116.04 of this chapter.

(Ord. O-02-13, passed 5-13-02; Am. Ord. O-02-24, passed 9-9-02)

Statutory reference:

Simplified Municipal Telecommunications Tax Act, see ILCS Ch. 35, Act 636

Imposition and calculation of amount of tax, see ILCS Ch. 35, Act 636, §§ 5-25 and 5-30

§ 116.04 COLLECTION, ENFORCEMENT AND ADMINISTRATION OF TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEES.

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the city infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the City Administrator the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the city not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the city infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure fee to the city shall be accompanied by a return, in a form to be prescribed by the City Administrator, which shall contain such information as the City Administrator may reasonably require.

(D) Any infrastructure maintenance fee required to be collected pursuant to this chapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt

owed by the telecommunications retailer to the city. The charge imposed under division (A) of this section by the telecommunications retailer pursuant to this chapter shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this chapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this chapter, from the telecommunications retailer who made the erroneous payment; provided, however, the City Administrator may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, the credit is used only to offset a claim of underpayment made by the city within the applicable statutory period of limitations, and the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this chapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

(1) Gross charges for purposes of the Telecommunications Excise Tax Act;

(2) Gross receipts for purposes of the municipal utility tax as prescribed in ILCS Ch. 65, Act 5, § 8-11-2 of the Illinois Municipal Code;

(3) Gross charges for purposes of the municipal telecommunications tax as prescribed in ILCS Ch. 65, Act 5, § 8-11-17 of the Illinois Municipal Code;

(4) Gross revenue for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.

CHAPTER 132: OFFENSES PERTAINING TO PROPERTY

Section

- 132.01 Damaging property
- 132.02 Injury to public property
- 132.03 Sale, possession of spray paint; removal of graffiti
- 132.04 Climbing on railroad cars
- 132.05 Damage of firefighting apparatus, hydrants, or equipment
- 132.06 Trespass to land
- 132.07 Damaging city property

- 132.99 Penalty

§ 132.01 DAMAGING PROPERTY.

(A) Whoever commits any of the following acts shall be guilty of a misdemeanor:

- (1) Knowingly damages any property of another; or
- (2) Recklessly by means of fire or explosive damages property of another; or
- (3) Knowingly starts a fire on the land of another; or
- (4) Knowingly injures a domestic animal of another without his consent; or
- (5) Knowingly deposits on the land or in the building of another, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.
- (6) Damages any property, other than property described in ILCS 720, Act 5, § 20-1(b), with intent to defraud an insurer.

(7) Knowingly shoots a firearm at any portion of a railroad train.

(B) It is an affirmative defense to a violation of division (A)(1), (3), or (5) of this section that the owner of the property or land damaged consented to such damage.
(ILCS Ch. 720, Act 5, § 21-1(c)) ('69 Code, § 13-13)
Penalty, see § 132.99

§ 132.02 INJURY TO PUBLIC PROPERTY.

It shall be unlawful for any person to allow or to damage or injure in any manner whatsoever any public property, building or land. Any person violating this section shall be prosecuted in accordance with the laws of the city.
('69 Code, § 13-21.1) (Ord. O-70-7, passed 4-27-70)
Penalty, see § 132.99

§ 132.03 SALE, POSSESSION OF SPRAY PAINT; REMOVAL OF GRAFFITI.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **GRAFFITI.** An inscription, design writing or drawing sprayed, painted or otherwise placed onto property with intent, or having a tendency, to deface or mar the property.

(2) **MINOR.** Any person under the age of 18 years.

(B) *Prohibited conduct.*

(1) No person shall sell or otherwise transfer any spray paint to a minor unless said minor is accompanied by a parent or legal guardian at the time of purchase or transfer.

(2) No minor shall, at the time of purchase of any spray paint container, furnish fraudulent evidence of majority.

(3) No minor shall, except while accompanied by a parent or legal guardian, possess a spray paint container on any public property or any private property except with the express permission of the lawful owner or manager of said private property.

(4) Absent express permission to the contrary by the owner or other person having control thereof, it shall be unlawful for any person to possess a spray paint container, liquid paint in cans or other containers in any public building, or upon any public facility or private property with intent to use the same to deface the building, facility or property.

(5) It shall be unlawful for any person to deface or mar public or private property through graffiti.

(C) *Abatement.*

(1) The owner of all houses, buildings, and property situated within the city are required at their expense to remove graffiti from their property within 30 days of notice and order issued by the Building Inspector. The notice shall contain:

(a) The street address and any additional description sufficient to adequately identify the location of the property upon which graffiti is sought to be removed; and

(b) An order requiring that the graffiti be removed within 30 days upon receipt of the order.

(2) The notice and order shall be served upon the record owner of the affected property either by personal service or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt required.

(Ord. O-95-41, passed 10-23-95) Penalty, see § 132.99

§ 132.04 CLIMBING ON RAILROAD CARS.

No minor shall climb, jump, stand or step upon, cling to, or in any way attach himself to any locomotive engine or car, either stationary or in motion, unless in so doing he shall be acting under permission given so to do by the lawful rules and regulations of the company then owning or operating such railroad.

('69 Code, § 13-6) Penalty, see § 132.99

§ 132.05 DAMAGE OF FIREFIGHTING APPARATUS, HYDRANTS, OR EQUIPMENT.

No person shall willfully and maliciously cut, injure, damage, tamper with, destroy, or deface any fire hydrant, fire hose, fire engine, or other public or private firefighting equipment, or any apparatus appertaining to such equipment, or intentionally open any fire hydrant without proper authorization.

(ILCS Ch. 720, Act 5, § 21-1.1) Penalty, see § 132.99

Editor's note:

ILCS Ch. 720, Act 5, § 21-1.1 was repealed by P.A. 97-1108, Sec. 10-5

§ 132.06 TRESPASS TO LAND.

(A) Whoever:

(1) Knowingly and without lawful authority enters or remains within or on a building; or

(2) Enters upon the land of another, after receiving, prior to such entry, notice from the owner or occupant that such entry is forbidden; or

(3) Remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(4) (a) Enters upon one of the following areas in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle), after receiving prior to that entry, notice from the owner or occupant that the entry is

forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart: Any field that is used for growing crops or which is capable of being used for growing crops; or an enclosed area containing livestock; or an orchard; or a barn or other agricultural building containing livestock; commits a Class B misdemeanor.

(b) For purposes of this division, this section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(B) A person is deemed to have received notice from the owner or occupant within the meaning of division (A) if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding an entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(C) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his agent having apparent authority to hire workers on the land and assign them living quarters or a place of accommodation for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing, or other agreement or arrangement with the owner or his agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him at the place he is so living on the land.

(D) A person shall be exempt from prosecution under this section if he beautifies unoccupied and abandoned residential or industrial properties located within this city. For the purpose of this division, **UNOCCUPIED AND ABANDONED RESIDENTIAL** or **INDUSTRIAL PROPERTY** means any real estate in which the taxes have not been paid for a period of at least two years, and which has been left unoccupied and abandoned for a period of at least one year. **BEAUTIFIES** means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(E) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to division (D) of this section.

(F) This section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this division, **EMERGENCY** means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

Penalty, see § 132.99

Statutory reference:

For similar provisions under state law, see ILCS Ch. 720, Act 5, § 21-3

§ 132.07 DAMAGING CITY PROPERTY.

(A) It shall be unlawful to:

(1) Knowingly damage any city property.

(2) Recklessly, by means of fire or explosion, damage city property without the city's consent.

(3) Knowingly start a fire on city land.

(4) Knowingly deposit on city land or in a city building any stink bomb or any offensive-smelling compound which thereby tends to interfere with the use by the city of its land or buildings.

(B) It is an affirmative defense to a violation of division (A)(1), (3), or (4) of this section that the city consented to such damage.

(Ch. 720, Act 5, § 21-1(c)) Penalty, see § 132.99

§ 132.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be subject to the provisions of § 10.99.

(B) Any person violating any provision of § 132.03 shall be fined not less than \$25 nor more than \$750 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. O-95-41, passed 10-23-95)

CHAPTER 133: OFFENSES AGAINST PUBLIC ORDER

Section

- 133.01 Affrays and riots
- 133.02 Curfew
- 133.03 Disorderly conduct
- 133.04 Disturbing congregations or assemblies
- 133.05 Disturbing the peace
- 133.06 Impersonating a police officer
- 133.07 Loitering
- 133.08 Noise disturbances
- 133.09 Child sex offender residency

- 133.99 Penalty

(1) Accompanied by his or her parent, guardian or other adult person having the care and custody of such minor;

(2) Participating in, going to or returning from:

(a) An errand or duty directed by such parent, guardian or custodian;

(b) A school recreational activity such as a school dance, function or entertainment;

(c) Employment which the laws of this state authorize a person less than 17 years of age to perform;

(d) A religious event;

(e) An emergency involving the protection of a person or property from an eminent threat or serious bodily injury or substantial damage;

(f) An activity involving the exercise of the child's rights protected under the First Amendment of the United States Constitution or Article I, Section 3, 4 and 5 of the Constitution of the State of Illinois, or both;

(g) An activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.

§ 133.01 AFFRAYS AND RIOTS.

It shall be unlawful for any person to incite or participate in a riot or affray within the city.

('69 Code, § 13-1) Penalty, see § 133.99

Statutory reference:

For authority to suppress riots and affrays, see ILCS Ch. 65, Act 5, § 11-5-2

§ 133.02 CURFEW.

(A) *Hours prescribed.* It shall be unlawful for any minor under the age of 17 years to loiter, idle, wander, stroll or play in, or be found upon the public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots or any public places, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, Sunday through Friday, and between the hours of 12:00 midnight Saturday and 6:00 a.m. Sunday, official city time.

(B) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

(C) *Enforcement.* Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other

circumstances, no defense in division (B)(2)(b) is present.

(D) *Unlawful for parents, guardians to permit violations.* It shall be unlawful for the parent, guardian or adult person having the care and custody of a minor under the age of 17 years to permit such minor to loiter, idle, wander, stroll or play in, or be found upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any public place, between the hours of 11:00 p.m. and 6:00 a.m., Sunday through Friday, and between the hours of 12:00 midnight Saturday and 6:00 a.m. Sunday, official city time; provided however, that the provisions of this section shall not apply to the excepted class mentioned in the provisions in division (B) above.
(‘69 Code, § 13-8)

(E) *Owners of amusement places permitting minors during prohibited hours.* It shall be unlawful for any person operating places of amusement and entertainment to permit any minors under the age of 17 years to enter or remain in such places of amusement and entertainment during the hours prohibited under division (A) above; provided, however, that the provisions of this division (E) do not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor.
(‘69 Code, § 13-9)

(F) *Minors violating provisions deemed delinquents.* Upon the second or any subsequent violation of any of the above provisions of division (A) by any minor under the age of 17 years, such minor shall be deemed a delinquent child, and shall be taken and delivered to the proper public authorities to be dealt with according to law.
(‘69 Code, § 13-10) (Ord. passed 2-14-61; Am. Ord. passed 10-10-62; Am. Ord. O-76-16, passed 8-10-76; Am. Ord. O-04-10, passed 5-10-04) Penalty, see § 133.99

§ 133.03 DISORDERLY CONDUCT.

A person commits disorderly conduct when he knowingly:

(A) Does any act in such unreasonable manner as to provoke, make, or aid in making a breach of the peace; or

(B) Does or makes any unreasonable or offensive act, utterance, gesture or display that under the circumstances creates a clear and present danger of a breach of peace or imminent threat of violence; or

(C) Fails to obey a lawful order of disbursement by a person known by him to be a peace officer under circumstances under which three or more persons are committing acts of disorderly conduct in the immediate vicinity that are likely to cause substantial harm or serious inconvenience, annoyance or alarm; or

(D) Assembles with three or more persons for the purpose of using force or violence to disturb the public peace; or

(E) Engages in any violent, tumultuous, offensive, or disorderly conduct by threatening, traducing, quarreling, challenging to fight or fighting, or uses obscene, offensive, profane or unseemly language to the annoyance, disturbance, or vexation of another, or is guilty of any conduct calculated to breach the peace.

(‘69 Code, § 13-16) (Am. Ord. O-93-27, passed 2-22-93; Am. Ord. O-96-13, passed 8-26-96) Penalty, see § 133.99

§ 133.04 DISTURBING CONGREGATIONS OR ASSEMBLIES.

It shall be unlawful for any person within the city, to interrupt, disquiet or disturb any congregation or assembly met for religious worship or for other lawful purpose, by menace, profanity, rude or indecent behavior or any other disorderly or

CHAPTER 134: GAMBLING OFFENSES

Section

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

- 134.99 Penalty

§ 134.01 DEFINITIONS.

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

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

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

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

- (1) Coin-in-the-slot operated mechanical devices.
- (2) Vending machines.
- (3) Crane games.
- (4) Redemption machines.

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

LOTTERY. Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name.

POLICY GAME. Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt. ('69 Code, §§ 13-19; 13.1-1)

Statutory reference:

Definitions under state law, see ILCS Ch. 720, Act 5, § 28-2

§ 134.02 GAMBLING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Raffles 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)

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

MATERIAL.

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

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

MINOR. Any person under the age of 18.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE

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

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

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

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

§ 135.04 PROSTITUTION.

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

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

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

Statutory reference:

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

CHAPTER 136: OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Section

General Provisions

- 136.01 Barbed wire fences
- 136.02 Dangerous missiles
- 136.03 Depositing offensive matter in Galena River
- 136.04 Refrigerators and airtight containers
- 136.05 Riding, leading animals across sidewalks
- 136.06 Spitting
- 136.07 Possession of drug paraphernalia
- 136.08 Possession of cannabis

Litter

- 136.20 Definitions
- 136.21 Dumping or depositing of litter prohibited; exemptions
- 136.22 Dumping or depositing litter from motor vehicle prohibited
- 136.23 Accumulation of litter prohibited
- 136.24 Presumption of violation by operator throwing litter from motor vehicle
- 136.25 Receptacles required in public areas
- 136.26 Power of court to order removal of litter

- 136.99 Penalty

GENERAL PROVISIONS

§ 136.01 BARBED WIRE FENCES.

(A) *Prohibited.* No fence or barrier, consisting or made of what is called “barbed wire,” or of which “barbed wire” is a part, shall be built, constructed or used within said city, along the line of or in or upon

or along any street, alley or public walk, in case such fence or barrier is along the line of and near a sidewalk in the city.

(B) *Removal; notice.* Wherever in the city any fence or barrier is built in violation of this section, the same shall be removed; and any party or parties owning, controlling or building the same shall, upon written notice from the Mayor, remove such barbed wire within ten days from the service of such notice. ('69 Code, § 13-3) Penalty, see § 10.99

§ 136.02 DANGEROUS MISSILES.

It shall be unlawful for any person within the city to throw, project or cast or encourage others in throwing, projecting or casting any stone, projectile or other missile into, upon or at any vehicle, building, structure or public or private property or at, upon or against any person. ('69 Code, § 13-14) Penalty, see § 10.99

§ 136.03 DEPOSITING OFFENSIVE MATTER IN GALENA RIVER.

(A) It shall be unlawful to put, place or deposit, or to cause to be put, placed or deposited in the channel, or upon the margin or banks of the Galena River, within said city, any carrion, dead animal, offal, contents of any privy or any putrid or unwholesome matter or substance whatsoever.

(B) It shall be unlawful to put, place or deposit, or to cause to be put, placed or deposited in the channel or upon the margin or banks of the Galena River, within the limits of said city, or within three miles of the city, any substance or thing whatever that may in any way obstruct or impede the free navigation of said river.

('69 Code, § 13-15) Penalty, see § 10.99

§ 136.04 REFRIGERATORS AND AIRTIGHT CONTAINERS.

No person shall permit or suffer to remain in the city at any place where children might have access thereto any refrigerator, cooler, chest, cabinet or other similar equipment, without first removing the doors or the locks or latches, or without first taking other precautions to effectively prevent children from being locked therein.

('69 Code, § 13-27) Penalty, see § 10.99

§ 136.05 RIDING, LEADING ANIMALS ACROSS SIDEWALKS.

No person shall lead, ride or drive, or permit to be led, driven, or ridden, any horse, mule, ass, cow or other beast of draught or burden, upon any sidewalk in said city, provided, however, that this section shall not be construed to prohibit the crossing of any such sidewalk at the usual approach to any lot or alley within the city.

('69 Code, § 13-30) Penalty, see § 10.99

§ 136.06 SPITTING.

No person shall expectorate or spit upon the public sidewalks, or upon the floors or walls of any public building within the limits of the city.

('69 Code, § 13-32) (Ord. passed 1-8-08) Penalty, see § 10.99

§ 136.07 POSSESSION OF DRUG PARAPHERNALIA.

It is an offense for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, prepare, test, analyze, pack, repack, store, contain, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined in ILCS Ch. 720, Act 550, §§ 1 et seq. and ILCS Ch. 720, Act 570, §§ 100 et seq.

(Ord. O-08-03, passed 1-28-08) Penalty, see § 136.07

§ 136.08 POSSESSION OF CANNABIS.

(A) *Definitions.* All the terms and phrases used herein shall have the same meaning as ascribed to them in the Cannabis Control Act of the State of Illinois, ILCS Ch. 720, Act 550, §§ 1 et seq. and amendments thereto made by the State of Illinois from time to time; except, should the term **PERSON** be limited to natural persons who have attained the age of 17 years or more, said limitation is specifically excluded herein, and the term **PERSON** is hereby made applicable to all natural persons who have attained the age of 13 years or more.

(B) *Offense of possession of cannabis.* A person commits the offense of possession of cannabis by knowingly possessing ten or less grams of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (ILCS Ch. 720, Act 550, §§ 1 et seq.).

(Ord. O-09-11, passed 4-13-09) Penalty, see § 136.99

LITTER

§ 136.20 DEFINITIONS.

For the purposes of §§ 136.20 through 136.26 the following words and phrases shall have the following meanings ascribed to them respectively.

LITTER. Any discarded, used, or unconsumed substance or waste. **LITTER** may include, but is not limited to, any garbage, trash, refuse, cigarettes, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper containers, or other packaging construction material, abandoned vehicle, as defined in ILCS Ch. 625, Act 5, §§ 1-100 et seq., motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind; any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in ILCS Ch. 415, Act 5, § 3.360; or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly. (ILCS Ch. 415, Act 105, § 3)

MOTOR VEHICLE. As defined in Chapter 70 of this Code of Ordinances.

§ 136.21 DUMPING OR DEPOSITING OF LITTER PROHIBITED; EXEMPTIONS.

No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this city, or upon or into any river, lake, pond, or other stream or body of water in this village unless:

(A) The property has been designated by the city or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state Pollution Control Board;

(B) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

(C) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

(D) The person is acting under the direction of proper public officials during special cleanup days; and/or

(E) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter, including but not limited to potentially infectious medical waste as defined in ILCS Ch. 415, Act 5, § 3.360, when the emergency situation no longer exists.
(ILCS Ch. 415, Act 105, § 4) Penalty, see § 136.99

§ 136.22 DUMPING OR DEPOSITING LITTER FROM MOTOR VEHICLE PROHIBITED.

No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river, lake, pond, stream, or body of water in this city except as permitted under § 136.21 (A)(1) through (5). Nor shall any person transport, by any means, garbage or refuse from any dwelling, residence, place of business, farm, or other site to and deposit the material in, around, or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas.

(ILCS Ch. 415, Act 105, § 5) Penalty, see § 136.99

§ 136.23 ACCUMULATION OF LITTER PROHIBITED.

No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.

(ILCS Ch. 415, Act 105, § 6) Penalty, see § 136.99

§ 136.24 PRESUMPTION OF VIOLATION BY OPERATOR THROWING LITTER FROM MOTOR VEHICLE.

Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated § 136.22, but that presumption may be rebutted.

(ILCS Ch. 415, Act 105, § 9)

§ 136.25 RECEPTACLES REQUIRED IN PUBLIC AREAS.

(A) In order to assist the public in complying with this chapter, the owner or person in control of any property which is held out to the public as a place

for assemblage, the transaction of business, recreation, or as a public way shall cause to be placed and maintained receptacles for the deposit of litter of sufficient volume and in sufficient numbers to meet the needs of the numbers of people customarily coming on or using the property.

(B) For purposes of this section, ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** includes, but is not limited to commercially operated parks, campgrounds, drive-in restaurants, automobile service stations, business parking lots, car washes, shopping centers, marinas, boat launching areas, industrial parking lots, boat moorage and fueling stations, piers, beaches and bathing areas, airports, roadside rest stops, drive-in movies, and shopping malls; and ***PROPERTY HELD OUT TO THE PUBLIC FOR ASSEMBLAGE, RECREATION, OR AS A PUBLIC WAY*** includes, but is not limited to any property that is publicly owned or operated for any of the purposes stated in the definition in this division for ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** but excludes state highway rights-of-way and rest areas located thereon.

(C) If no litter receptacles are placed on property described in this section, the owner or person in control of the property shall be fined \$100 for violating this section. If the owner or person in control of the property has placed litter receptacles on his property but the number or size of the receptacles has proved inadequate to meet the needs of the numbers of people coming on or using his property as indicated by the condition and appearance of that property, and the owner or person in control has failed to provide sufficient or adequate receptacles within ten days after being made aware of that fact by written notice from the police, he shall be fined \$25 for each receptacle not so provided and maintained. (ILCS Ch. 415, Act 105, § 10)

§ 136.26 POWER OF COURT TO ORDER REMOVAL OF LITTER.

The penalties prescribed in this chapter are in addition to, and not in lieu of any penalties, rights,

remedies, duties, or liabilities which may be otherwise imposed or conferred by a court.
(ILCS Ch. 415, Act 105, § 8)

§ 136.99 PENALTY.

(A) Any person violating §§ 136.07 or 136.08 shall be subject to a fine of no more than \$750.

(B) (1) (a) Any person convicted of a violation of §§ 136.21 or 136.22 shall be fined not less than \$10 nor more than \$500.

(b) An individual convicted of violating §§ 136.21 or 136.22 by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, the site where the offense occurred, as provided in Section 50 of the Illinois Adopt-A-Highway Act.

(2) Any person convicted of a violation of § 136.23 shall be fined not less than \$10 nor more than \$500.

(C) A mandatory minimum fine of \$50 must be imposed against any person who is convicted of violating § 136.22.
(ILCS Ch. 415, Act 105, § 8) (Ord. O-08-03, passed 1-28-08; Am. Ord. O-09-11, passed 4-13-09)

CHAPTER 137: OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

Section

- 137.01 Resisting or obstructing a peace officer, firefighter, or correctional institution employee
- 137.02 Refusing to aid an officer
- 137.03 Tampering with public notice

§ 137.01 RESISTING OR OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, OR CORRECTIONAL INSTITUTION EMPLOYEE.

(A) No person shall knowingly resist or obstruct the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity.

(B) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, firefighter, or correctional institution employee to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(C) For purposes of this section, **CORRECTIONAL INSTITUTION EMPLOYEE** means any person employed to supervise and control inmates incarcerated in a penitentiary, state farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a

violation of probation, a violation of parole, a violation of aftercare release, a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons; and **FIREFIGHTER** means any individual, either as an employee or volunteer, of a regularly constituted fire department of a municipality or fire protection district who performs fire fighting duties, including, but not limited to, the fire chief, assistant fire chief, captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department. **FIREFIGHTER** also means a person employed by the Office of the State Fire Marshal to conduct arson investigations.

(D) It is an affirmative defense to a violation of this section if a person resists or obstructs the performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building, or other structure to rescue or to attempt to rescue any person.

(ILCS Ch. 720, Act 5, § 31-1) Penalty, see § 130.99

§ 137.02 REFUSING TO AID AN OFFICER.

No person, upon command, shall refuse or knowingly reasonably fail to aid a person known by him to be a police officer in:

(A) Apprehending a person whom the officer is authorized to apprehend; or

(B) Preventing the commission by another of any offense.

(ILCS Ch. 720, Act 5, § 31-8) Penalty, see § 130.99

§ 137.03 TAMPERING WITH PUBLIC NOTICE.

A person commits tampering with public notice when he or she knowingly and without lawful authority alters, destroys, defaces, removes, or conceals any public notice posted according to law, during the time for which the notice was to remain posted.

(ILCS Ch. 720, Act 5, § 32-9(a)) Penalty, see § 130.99

CHAPTER 138: WEAPONS

Section

Deadly Weapons

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

Statutory reference:

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

DEADLY WEAPONS

§ 138.01 UNLAWFUL USE OF WEAPONS.

(A) No person shall knowingly:

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

(2) Carry or possess with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser, or any other dangerous or deadly weapon or instrument of like character;

(3) Carry on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older;

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

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

(b) Are not immediately accessible; or

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

(5) Set a spring gun;

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(6) Carry or possess any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted; or

(7) (a) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted.

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

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

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

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

(b) Are not immediately accessible; or

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

(10) Sell, manufacture, or purchase any explosive bullet. **EXPLOSIVE BULLET** shall mean the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **CARTRIDGE** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap.

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

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

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

(2) Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting

(D) §§ 138.01(A)(6) does not apply to:

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

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

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

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

(E) An information or indictment based upon a violation of any provision of this subchapter need not negate any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption.

(F) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license with the state or the federal government where such transportation, carrying, or possession is incident to the lawful transportation in which the common carrier is engaged. Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm not the subject of and regulated by ILCS Ch. 720, Act 5, § 24-1(a)(7) or division (B) of this section above, which is unloaded and enclosed in a case, firearm carrying box, shipping

box, or other container by the possessor of a valid firearm owner's identification card.

Statutory reference:

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

§ 138.03 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.

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

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his possession;

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession;

(4) He has been a patient in a mental institution within the past five years and has any firearms or firearm ammunition in his possession. For the purposes of this division (A)(4), **MENTAL INSTITUTION** means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness. **PATIENT IN A MENTAL INSTITUTION** means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment unless the treatment was voluntary and solely of an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness;

(5) He is intellectually disabled and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet. For the purposes of this section, **EXPLOSIVE BULLET** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **CARTRIDGE** means a tubular metal case having a projectile fixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

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

§ 138.04 CONFISCATION AND DISPOSITION OF WEAPONS.

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

PARKING SPACE DESIGN STANDARDS. See § 154.601.

PARKING STANDARDS. See § 154.601.

PARTICULATE MATTER. Material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

PARTICULATE MATTER STANDARDS. See § 154.704.

PASSIVE OUTDOOR PUBLIC RECREATIONAL (LAND USE). See § 154.406(C).

PEDESTRIAN WAY, PUBLIC. Any walk, path, stairway, plaza, court, mall or other way open to the public and used exclusively or primarily by pedestrians.

PERFORMANCE GUARANTEE. A financial guarantee to ensure that all improvements, facilities, or work required by this code will be completed in compliance with the code, regulations and the approved plans and specifications of a development.

PERFORMANCE STANDARD. Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See §§ 154.701 through 154.713.

PERIPHERAL SETBACK. The distance between a structure and the boundary of a development.

PERMANENTLY PROTECTED GREEN SPACE. An area in which site disruption and/or development is strictly limited. See §§ 154.601 through 154.605.

PERMITTED BY RIGHT, USE. See § 154.402.

PERSON. An individual, group of individuals, corporation, association, partnership, joint venture or other entity, and includes any trustee, estate, receiver, assignee or personal representative.

PERSONAL SERVICE(S) (LAND USE). See § 154.406(D).

PERSONAL STORAGE FACILITY (LAND USE). See § 154.406(E).

PIERS AND WHARFS. See § 154.406.

PLANNED UNIT DEVELOPMENT. See § 154.301.

POD. See **PARKING AREA POD.**

PORCH. A roofed structure (either enclosed, or unenclosed) attached to one or two permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.

PREMISES. Within the boundaries of all property lines of a lot or within the confines of an establishment.

PRINCIPAL BUILDING. See **BUILDING, PRINCIPAL.**

PRINCIPAL USE. Any and all of the primary uses of a property treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use) per §§ 154.401 through 154.407.

PRIVATE RESIDENTIAL KENNEL (LAND USE). See § 154.406(H).

PRIVATE RESIDENTIAL RECREATIONAL FACILITY (LAND USE). See § 154.406(H).

PRIVATE RESIDENTIAL STABLE (LAND USE). See § 154.406(H).

PROFESSIONAL SERVICE(S) (LAND USE).
See § 154.406(D).

PROPORTION. Balanced relationship of parts of a building, sign, landscape or structure to each other and to the architectural concept as a whole.

PROTECTED NATURAL RESOURCES. Resources such as wetlands, drainageways, woodlands, steep slopes, and shorelands which are protected by the provisions of this code. See §§ 154.601 through 154.605.

PUBLIC IMPROVEMENT. Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, bicycle paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

PUBLIC SERVICES AND UTILITIES (LAND USE). See § 154.406(C).

PUBLIC SEWER. Includes the City of Galena sewer system and other forms of sewer systems approved by the State of Illinois and maintained by an agency authorized to operate such systems.

PUBLIC UTILITY. Any person, firm or corporation duly authorized to furnish under public regulation to the public electricity, gas, steam, telephone, telegraph, transportation, water or sewerage systems.

PUBLIC WAY. Any sidewalk, street, alley, highway, or other public thoroughfare.

RECORDED LOT. See **LOT OF RECORD.**

RECREATION, OUTDOOR - ACTIVE, PUBLIC (LAND USE). See § 154.406(C).

RECREATION, OUTDOOR - PASSIVE PUBLIC (LAND USE). See § 154.406(C).

RECREATION, OUTDOOR - PRIVATE CAMPGROUNDS/CAMPING RESORT (LAND USE). See § 154.406(C).

RECREATIONAL VEHICLE. A general term for a vehicular unit bearing current license and/or registration, which includes but is not limited to the following specific vehicle types:

(1) **BOAT TRAILER.** A vehicle structure without its own motive power designed to transport a boat for recreation and vacation use to be licensed and registered for highway use.

(2) **CAMPER TRAILER.** A folding or collapsing vehicular structure without its own (motive) power designed as temporary living quarters for travel, camping, recreation and vacation uses; and to be licensed and registered for highway use.

(3) **HORSE TRAILER.** A vehicle structure without its own motive power designed primarily for the transportation of horses and which, in combination with the towing vehicle, to be licensed and registered for highway use.

(4) **MOTOR HOME.** A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary dwelling for travel, camping, recreation and vacation use; and to be licensed and registered for highway use. This category shall include converted bus campers.

(5) **RECREATIONAL BOAT.** A vessel, whether impelled by wind, oars or mechanical devices, which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit.

(6) **TRAVEL TRAILER.** A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use.

(7) **TRUCK CAMPER.** A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle to be licensed for highway use.

(8) **UTILITY TRAILER.** A vehicle structure without its own motive power designed primarily for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.

RELOCATABLE BUILDING (LAND USE). See § 154.406(O).

REQUIRED RESOURCE PROTECTION AREA (RPA). The area of a site which may not be disturbed by development activity and which must also be reserved as permanently protected green space. See §§ 154.601 through 154.605.

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

RESIDENTIAL LAND USE(S). See § 154.406(A).

RESIDENTIAL SOLID WASTE. Waste that normally originates in a residential environment.

RESIDENTIALLY ZONED. A property located in a residential district per §§ 154.201 through 154.209.

RESTRICTIVE, MORE (LESS). A regulation imposed by this code is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

RIGHT-OF-WAY. A strip of land dedicated to the city or other unit of government for streets, alleys, and other public improvements.

RINGELMANN CHART. The Ringelmann chart is one which is described in the United States Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of smoke (smoke density).

RINGELMANN NUMBER. The number appearing on the Ringelmann chart ascribed by the observer to the density of the smoke emission. Where the density or light obstructing capacity of the smoke as observed falls between two consecutive Ringelmann numbers, the lower Ringelmann number shall be considered the density of the smoke observed.

SALVAGE YARD (LAND USE). See § 154.406(E).

SCALE (OF DEVELOPMENT). A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

SCHOOL. A public or private institution which offers instructions in any of the branches of learning and study comparable to that taught in the public schools under the Illinois School Code, including pre-kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools, colleges or universities.

SEDIMENTATION. The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

SELECTIVE CUTTING (LAND USE). See § 154.406(B).

SETBACK. The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line. See **MINIMUM SETBACK.**

SEWAGE WASTE STANDARDS. See § 154.708.

SHIELDED LIGHT FIXTURE. An outdoor lighting fixture which through design is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least 15° below a horizontal plane running through the lowest point on the fixture where light is emitted. Except for ground and sign mounted light fixtures, that horizontal plane shall be parallel to the surface of the ground. See § 154.603 for Exterior Lighting Standards.

SHORELAND. Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream; or to a landward side of the floodplain, whichever distance is greater. **SHORELANDS** shall not include those lands adjacent to farm drainage ditches where:

- (1) Such lands are not adjacent to a navigable stream or river;
- (2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and
- (3) Such lands are maintained in non-structural agricultural use. See § 154.509.

SHRUB. A low-lying deciduous or evergreen plant. See Appendix B.

SIGN. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

For the purposes of this code, any electronic display device, such as a television, monitor, digital frame or similar device, regardless of content, when located between zero feet and ten feet behind the window of a building, and when oriented so as to be viewed from the street or sidewalk, shall be considered a sign. An electronic display device as described above that is not orientated so as to be viewed from the street or is located beyond ten feet behind the window of a building shall not be considered a sign.

SIGN, AWNING. Any structure made of cloth, metal or other material attached to a building when the same is so erected as to permit its being raised or retracted to a position against the building when not in use.

SIGN, BACK-LIT. A sign with opaque, painted, raised letters lit by an electric lamp or lamps from behind the sign to create a silhouette effect.

SIGN, EXTERNALLY ILLUMINATED. A sign illuminated by a source of light which is cast upon the surface or face of the sign to illuminate by reflection of that light.

SIGN, FLASHING. (This term commonly includes those signs known as animated signs.) A sign in which the illumination intermittently flashes off and on in whole or in part.

SIGN, FREESTANDING. (This term includes those signs commonly known as ground-mounted signs and pole signs.) A sign completely or principally self-supported by posts or other support independent of any building or other structure and anchored in or upon the ground.

SIGN, HISTORICAL. Any sign that is historic in nature or historically established for use in relationship to a structure that is exactly or reasonably preserved or restored to the condition of its original historic period.

SIGN, INCIDENTAL. A sign, generally informational, that has a purpose secondary to the use of the lot of record on which it is located, such as "no parking," "entrance", "loading only," "telephone,"

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)

§ 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

5. *Criteria guiding the determination of number of guest rooms permissible in a bed and breakfast. Refer to Table 154.406.1.*

| TABLE 154.406.1 CRITERIA GUIDING THE DETERMINATION OF NUMBER OF GUEST ROOMS PERMISSIBLE IN A BED AND BREAKFAST | | | | |
|---|---|--|-----------------------------------|---|
| MAXIMUM NUMBER GUEST ROOMS PERMITTED ⁽¹⁾ | MINIMUM NUMBER OF ORIGINAL BEDROOMS ⁽¹⁾ | MINIMUM GROSS HOUSE SIZE (Sq. Ft.) ⁽²⁾ | MINIMUM LOT SIZE (Sq. Ft.) | MAXIMUM OFF-STREET PARKING SPACES REQUIRED PER LOT SIZE ⁽³⁾ |
| 2 | 3 | 2,500 - 2,999 | 5,000 | 3/7,500 |
| 3 | 4 | 3,000 - 3,499 | 7,000 | 4/10,009 |
| 4 | 5 | 3,500 - 4,999 | 12,000 | 5/12,500 |
| 5 | 6 | 5,000 and up | 20,000 | 6-8/20,000 |

Footnotes:

- 1 Assuming owner personally utilizes only one bedroom.
- 2 Overall house size is to be determined by using outside dimensions and then calculating all areas improved for internal year-round living including habitable rooms and all closets, hallways, stairways, bathrooms and full height storage rooms, but not including any uninhabitable basement or attic areas, garages, porches, stoops, sheds, or other accessory buildings.
- 3 Includes spaces used by residents and assumes that usage of the lot is not diminished by unusual conditions, such as, topography.

6. *Additional information or requirements to be designated in special use permit.*

a. A copy of the application for the special use permit containing the information required by (D)(7)(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 bed and breakfast shall commence doing business until a bed and breakfast 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 bed and breakfast 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 bed and breakfast license, for renewal of the special use permit, or upon reasonable request, at any time, by the Zoning Administrator;

e. Each bed and breakfast owner shall maintain a guest register; and

f. The bed and breakfast operator shall comply with the minimum standards relating to serving breakfast and the minimum standards relating to linen, towels, wash cloths and soaps, as set forth in the Illinois Bed and Breakfast Act (ILCS Ch. 50, Act 820).

7. *Application: contents.* An application for a bed and breakfast 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 bed and breakfast, accessory buildings and zoning lot;

c. Floor plan of the proposed bed and breakfast 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.

8. *Existing nonconforming situations.* Property owners granted special use permits for bed and breakfasts prior to August 1, 1989, and their heirs and assigns, shall only be required to meet bed and breakfast zoning requirements in force at the time the bed and breakfast special use permit was initially granted provided the bed and breakfasts meet all city licensing requirements, comply with all laws of the state, and satisfy divisions (D)(7)(a)6.c. and (D)(7)(a)7.d. above.

(b) *Parking requirements.* One space for each bed and breakfast, sleeping room or suite, plus one additional space for the owner; however, parking requirements may be partially satisfied by permitting on-street parking along the frontage of the lot on which the bed and breakfast is located, unless such would have a negative impact on the site or immediate neighborhood of the site. (Refer to § 154.601(H)(3)(a) and Table 154.601.3.)

(8) *Public accommodations, 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.

(a) *Regulations:*

1. *Building size.* It is the intention of the city that small inns be limited to larger existing historic structures. Such structures shall include larger residential structures, structures that were originally constructed to provide public accommodations or other nonresidential structures, whereby a special use would benefit the city and surrounding area by allowing an appropriate adaptive use for such structures. This is in recognition of the expense of owning and maintaining larger historic structures.

2. *Number of guestrooms.* In the case of structures originally constructed as a residence or to provide public accommodations, the number of original bedrooms indigenous to a particular structure will be considered. In the case of other nonresidential structures, the number of guest rooms will be determined by the size of the building and the regulations for such use found in the city's adopted Building Codes, Life Safety and Fire Codes, Electrical Code, the Americans with Disabilities Act and any other codes of the city.

3. *Lot capacity.* The capacity of a particular lot to absorb the impact of a small inn operation shall be considered and consideration shall be given to usable lot size, topography, existing vegetation, parking requirements, the location of the small inn on the lot and the proximity of the small inn to neighboring properties in determining the number of guest rooms to be permitted in a small inn.

4. One space for each guest room, sleeping room or suite, plus one additional space for the owner or manager shall be required. (Refer to § 154.601(H)(3)(a) and Table 154.601.3.)

(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.

(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

maintain a Type III bufferyard along all property sides abutting residentially zoned property, as specified in § 154.605.

3. Facilities using night lighting shall require a special use permit.

(4) *Dwelling units above the ground floor.* Commercial apartments are dwelling units which are located above the ground floor of a building used for a commercial land use, most typically an office or retail establishment.

(a) *Regulations:*

1. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development for purposes of computing the floor area ratio.

2. A minimum of one off-street parking space shall be provided for each bedroom within a commercial apartment. Parking spaces provided by nonresidential land uses on the site may be counted for this requirement with the approval of the Zoning Administrator.

(5) *Fleet vehicle storage.* Overnight parking of more than four delivery or service vehicles owned by a commercial establishment, not including vehicles issued license plates based on the gross vehicle weight (GVW).

(a) *Regulations:*

1. All parking areas shall be paved as per the requirements of § 154.601(G).

2. In no event shall the parking/storage of fleet vehicles 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).

3. Inoperative vehicles or equipment shall not be stored with fleet vehicles.

4. All vehicle service shall comply fully with the vehicle repair and maintenance requirements of § 154.406(D)(16).

5. Storage areas shall provide a Type III bufferyard along all borders of the storage area abutting residentially zoned property, as specified in § 154.605.

(6) *Light industrial activities incidental to indoor sales.* These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.

(a) *Regulations:*

1. The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less.

2. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by § 154.710 for all adjacent properties.

(7) *Outdoor dining.* This land use includes patios, decks, lawns, sidewalks and similar outdoor areas for dining that are accessory to a principal restaurant use. The area of outdoor dining shall not exceed 15% of the total indoor dining area as the principal use and shall comply with all regulations below. Outdoor dining areas that are larger than 15% of the indoor dining area shall meet all requirements of the sales and service, outdoor display land use in § 154.406(D)(5).

(a) *Regulations:*

1. The dining areas shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.

2. In no event shall the dining area 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 dining area shall not further reduce the number of parking stalls already present.

3. Dining 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.

4. Furniture, equipment, signs, screening, or enclosures shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

5. The dining area shall provide a Type III bufferyard along all borders of the dining area abutting residentially zoned property, as specified in § 154.605.

6. The dining area shall comply with all other city and state regulations regarding such uses.

(8) *Outdoor display, removable.* Removable outdoor display includes portable or semi-portable racks, displays and merchandise which are set out each morning and taken inside a building each night.

(a) *Regulations:*

1. The total area of outdoor display area shall not exceed 5% of the total lot area or 500 square feet, whichever is less.

2. All items, including display racks and other fixtures, shall be stored in a fully enclosed building from 9:00 p.m. to 8:00 a.m. and at all times when the business is closed.

3. Display areas shall not be located in any required bufferyards or other landscaped areas, public right-of-way, or the visibility triangle.

4. Display areas shall not be located in required front setbacks or any setback adjacent to residentially zoned property.

(9) *Outdoor display and storage, permanent.* Accessory outdoor display and storage land uses include all uses which conduct sales, display sales or rental merchandise or equipment, or store goods, materials or by-products outside of an enclosed building on a permanent or seasonal basis, where such merchandise, equipment, materials and by-products are not stored overnight in a fully enclosed building but where the area of such outdoor display and storage is 15% or less of the total sales area of the principal use. Land uses with outdoor storage and sales areas larger than 15% of the sales area of the principal use shall be considered a sales and service, outdoor display land use in § 154.406(D)(5).

(a) *Regulations:*

1. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.

2. The display of items shall not be permitted within required setback areas for the principal structure.

3. In no event shall the display 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 display area shall not further reduce the number of parking stalls already present.

4. Display 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.

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)

§ 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-98-14 | 6-8-98 | Annexing 1.09 acres of territory. |
| O-98-15 | 6-8-98 | Annexing 6.15 acres of territory. |
| O-98-16 | 6-8-98 | Annexing 0.36 acres and 0.13 acres of territory. |
| O-99-03 | 4-12-99 | Annexation agreement. |
| O-99-04 | 4-12-99 | Annexing 190 acres of territory. |
| O-99-16 | 11-22-99 | Annexation agreement. |
| O-99-17 | 11-22-99 | Annexing certain territory comprised of 19.63 acres. |
| O-00-21 | 9-25-00 | Authorizing the execution of an annexation agreement with Brian Jackson, re: 1.245 acres of land located in Lot 1 of Jackson Place. |
| O-00-22 | 9-25-00 | Annexing 1.245 acres of land located in Lot 1 of Jackson Place. |
| O-00-36 | 11-27-00 | Authorizing the execution of an annexation agreement with Jack Coulter and Basil Conroy. |
| O-00-37 | 11-27-00 | Annexing 5.81 acres of land described in petition of Jack Coulter and Basil Conroy. |
| O-01-05 | 4-23-01 | Annexing 44.706 acres of territory for wastewater treatment plant site. |
| O-01-25 | 12-26-01 | Annexation agreement. |
| O-01-26 | 12-26-01 | Annexing 1.43 acres of territory on US Highway 20 on the east side of the Galena River in East Galena Township. |
| O-02-20 | 8-12-02 | Annexation agreement. |
| O-02-21 | 8-12-02 | Annexing 3.029 acres on US Highway 20 and Red Gates Road on the west side of the Galena River. |
| O-02-28 | 10-28-02 | Annexation agreement. |

Galena - Table of Special Ordinances

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

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. |

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. |



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. |

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i> |
|-----------------|--------------------|---|
| O-09-12 | 4-27-09 | Authorizing sale of municipally owned personal property. |
| O-09-17 | 7-27-09 | Providing for franchise and regulation of cable television systems. |
| O-09-23 | 11-9-09 | Authorizing sale of municipally owned personal property. |
| O-09-24 | 11-9-09 | Authorizing execution of the IMLRMA Minimum/Maximum Contribution Agreement. |
| O-09-27 | 12-14-09 | Levying taxes for all corporate purposes for the city. |
| O-09-28 | 12-28-09 | Authorizing sale of municipally owned personal property. |
| O-10-01 | 1-11-10 | Abating certain taxes heretofore levied by the city. |
| O-10-03 | 1-25-10 | Authorizing the sale of municipally owned personal property. |
| O-10-04 | 2-8-10 | Adopting hiring standards for part-time police officers. |
| O-10-12 | 4-12-10 | Authorizing the sale of municipally owned personal property. |
| O-10-22 | 8-9-10 | Authorizing the sale of municipally owned personal property. |
| O-10-23 | 8-23-10 | Authorizing the sale of municipally owned personal property. |
| O-10-32 | 12-13-10 | Authorizing the execution of the IMLRMA minimum/maximum contribution agreement. |
| O-10-33 | 12-23-10 | Levying taxes for all corporate purposes for the city. |
| O-11-02 | 1-10-11 | Abating certain taxes heretofore levied by the city. |
| O-11-03 | 1-10-11 | 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-11-10 | 3-21-11 | Levying taxes for all corporate purposes for the city. |
| O-11-13 | 4-11-11 | Authorizing the sale of municipally owned personal property. |
| O-11-14 | 4-25-11 | Authorizing the sale of municipally owned personal property. |
| O-11-20 | 7-11-11 | Authorizing Northern Illinois Gas Co. to construct, operate and maintain a gas distributing system. |
| O-11-27 | 11-14-11 | Authorizing execution of the IMLRMA minimum/maximum contribution agreement. |
| O-11-31 | 12-12-11 | Setting the 2012 tax levy. |
| O-11-32 | 12-12-11 | Abating certain taxes heretofore levied by the city. |
| O-11-33 | 12-12-11 | Abating certain taxes heretofore levied by the city. |
| O-12-09 | 4-23-12 | Authorizing the sale of municipally owned personal property. |
| O-12-16 | 8-13-12 | Authorizing the sale of municipally owned personal property. |
| O-12-24 | 11-12-12 | Authorizing execution of IMLRMA Minimum/Maximum Contribution Agreement. |
| O-12-25 | 11-26-12 | Authorizing the sale of municipally owned personal property. |
| O-12-27 | 12-10-12 | Levying taxes for all corporate purposes for the city. |
| O-13-02 | 2-25-13 | Authorizing execution of an agreement for use of city-owned property by the Illinois Fiber Resource Group. |
| O-13-05 | 5-15-13 | Abating certain taxes heretofore levied by the city. |

| <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. |



REFERENCES TO ILCS

| <i>ILCS Section</i> | <i>Code Section</i> |
|-----------------------------------|---------------------|
| Ch. 5, Act 70, § 1.01 | 10.04 |
| Ch. 5, Act 70, § 1.02 | 10.04 |
| Ch. 5, Act 70, § 1.03 | 10.04 |
| Ch. 5, Act 70, § 1.04 | 10.04 |
| Ch. 5, Act 70, § 1.05 | 10.02 |
| Ch. 5, Act 70, § 1.07 | 10.02 |
| Ch. 5, Act 70, § 1.08 | 10.02 |
| Ch. 5, Act 70, § 1.09 | 10.04 |
| Ch. 5, Act 70, § 1.10 | 10.02 |
| Ch. 5, Act 70, § 1.11 | 10.04 |
| Ch. 5, Act 70, § 1.12 | 10.02 |
| Ch. 5, Act 70, § 1.15 | 10.02 |
| Ch. 5, Act 70, § 1.16 | 10.02 |
| Ch. 5, Act 70, § 1.17 | 10.02 |
| Ch. 5, Act 70, § 1.20 | 10.02 |
| Ch. 5, Act 70, § 1.24 | 10.02 |
| Ch. 5, Act 70, § 1.28 | 10.02 |
| Ch. 5, Act 70, § 1.29 | 10.02 |
| Ch. 5, Act 70, § 2 | 10.04 |
| Ch. 5, Act 120, § 2.02 | 30.02 |
| Ch. 5, Act 120, § 2.03 | 30.02 |
| Ch. 5, Act 140 | 152.38 |
| Ch. 5, Act 425, §§ 1 et seq. | 36.73, 36.74 |
| Ch. 5, Act 425, § 35 | 36.71 |
| Ch. 5, Act 425, § 45(a)(6) | 36.72 |
| Ch. 5, Act 430, §§ 1-1 et seq. | 36.70 |
| Ch. 5, Act 430, § 5-15 | 36.70 |
| Ch. 5, Act 430, §§ 10-10 - 10-40 | 36.70 |
| Ch. 5, Act 430, § 50-5 | 36.70 |
| Ch. 5, Act 430, § 70-5 | 36.70 |
| Ch. 20, Act 1605 | 134.02 |
| Ch. 20, Act 1605, §§ 1 et seq. | 134.02 |
| Ch. 20, Act 1605, § 7.12 | 134.02 |
| Ch. 20, Act 2705, § 317 | 71.002 |
| Ch. 20, Act 2910, §§ 0.01 et seq. | 38.02 |
| Ch. 20, Act 3305, §§ 1 et seq. | Ch. 37 |
| Ch. 20, Act 3305, § 8 | 37.04 |
| Ch. 20, Act 3305, § 8(c) | 37.08 |
| Ch. 20, Act 3305, § 10 | 37.03 |
| Ch. 20, Act 3305, § 10(a) | 37.01 |

Galena - Parallel References

| <i>ILCS Section</i> | <i>Code Section</i> |
|---|------------------------------|
| Ch. 20, Act 3305, § 13 | 37.05 |
| Ch. 20, Act 3305, § 19 | 37.11 |
| Ch. 30, Act 405, §§ 1 et seq. | 51.001 |
| Ch. 35, Act 105, § 2 | 35.07 |
| Ch. 35, Act 115, §§ 1 et seq. | 35.110 |
| Ch. 35, Act 120, §§ 1 et seq. | 35.110 |
| Ch. 35, Act 636 | 116.03 |
| Ch. 35, Act 636, § 5-25 | 116.03 |
| Ch. 35, Act 636, § 5-30 | 116.03 |
| Ch. 50, Act 705, §§ 1 et seq. | 32.14 |
| Ch. 50, Act 820 | 154.406 |
| Ch. 55, Act 5, § 3-9005 | 138.02 |
| Ch. 55, Act 5, § 5-12002.1 | 90.03 |
| Ch. 65 | 153.04 |
| Ch. 65, Act 5 | 10.02, 31.89 |
| Ch. 65, Act 5, § 1-1-2 | 10.02 |
| Ch. 65, Act 5, § 1-2-1 | 155.001 |
| Ch. 65, Act 5, §§ 1-3-1 - 1-3-6 | 93.20 |
| Ch. 65, Act 5, § 3.1-10-30 | 31.01 |
| Ch. 65, Act 5, § 3.1-10-40 | 31.40 |
| Ch. 65, Act 5, § 3.1-10-45 | 31.40 |
| Ch. 65, Act 5, §§ 3.1-12-4 et seq. | 133.26 |
| Ch. 65, Act 5, § 3.1-15-20 | 31.40 |
| Ch. 65, Act 5, § 3.1-15-5 | 31.40 |
| Ch. 65, Act 5, § 3.1-20-5 | 31.40 |
| Ch. 65, Act 5, §§ 3.1-20-10 et seq. | 38.02 |
| Ch. 65, Act 5, § 3.1-30-5 | 31.65 |
| Ch. 65, Act 5, § 3.1-30-10 | 31.40 |
| Ch. 65, Act 5, §§ 3.1-35-40 - 3.1-35-85 | 31.56 |
| Ch. 65, Act 5, § 3.1-35-90 | 31.40 |
| Ch. 65, Act 5, §§ 3.1-35-115 | 31.40 |
| Ch. 65, Act 5, § 3.1-35-130 | 31.40 |
| Ch. 65, Act 5, § 3.1-35-135 | 31.40 |
| Ch. 65, Act 5, § 3.1-40-5 | 30.04 |
| Ch. 65, Act 5, § 3.1-40-15 | 30.05 |
| Ch. 65, Act 5, § 3.1-40-20 | 30.07 |
| Ch. 65, Act 5, § 3.1-40-25 | 30.01, 30.02 |
| Ch. 65, Act 5, § 3.1-40-30 | 30.07 |
| Ch. 65, Act 5, § 3.1-50-10 | 31.41 |
| Ch. 65, Act 5, § 3.3-10-25 | 31.01 |
| Ch. 65, Act 5, § 8-2-9 | 34.04 |
| Ch. 65, Act 5, § 8-2-9.1 | 31.77 |
| Ch. 65, Act 5, §§ 8-2-9.1 - 8-2-9.10 | 31.12 |
| Ch. 65, Act 5, §§ 8-2-9.2 - 8-2-9.10 | 31.77 |
| Ch. 65, Act 5, § 8-3-1 | 35.06 |
| Ch. 65, Act 5, §§ 8-3-14 et seq. | 35.81, 35.84, 35.100, 35.114 |
| Ch. 65, Act 5, § 8-11-1 | 35.52 |

| <i>ILCS Section</i> | <i>Code Section</i> |
|-----------------------------------|-----------------------------|
| Ch. 65, Act 5, § 8-11-1.3 | 35.20 |
| Ch. 65, Act 5, § 8-11-1.4 | 35.20 |
| Ch. 65, Act 5, § 8-11-2 | 35.50, 35.51, 35.58, 116.04 |
| Ch. 65, Act 5, § 8-11-6 | 35.07 |
| Ch. 65, Act 5, § 8-11-17 | 116.01, 116.04 |
| Ch. 65, Act 5, §§ 9-2-1 - 9-2-144 | 33.11, 33.12 |
| Ch. 65, Act 5, § 9-2-7 | 33.10 |
| Ch. 65, Act 5, § 9-2-9 | 33.11 |
| Ch. 65, Act 5, § 9-3-49 | 35.02 |
| Ch. 65, Act 5, §§ 10-1-1 et seq. | 31.40 |
| Ch. 65, Act 5, § 11-1.5 | 154.406 |
| Ch. 65, Act 5, § 11-5-2 | 133.01 |
| Ch. 65, Act 5, § 11-6-1 | 32.26 |
| Ch. 65, Act 5, § 11-7-1 | 35.03 |
| Ch. 65, Act 5, § 11-8-4 | 93.61 |
| Ch. 65, Act 5, §§ 11-10-1 et seq. | 35.70 |
| Ch. 65, Act 5, § 11-12-5 | 154.015 |
| Ch. 65, Act 5, § 11-12-7 | 156.02 |
| Ch. 65, Act 5, § 11-12-12 | 155.001 |
| Ch. 65, Act 5, §§ 11-13-1 et seq. | 150.04 |
| Ch. 65, Act 5, §§ 11-19-1 et seq. | Ch. 50 |
| Ch. 65, Act 5, §§ 11-20-1 et seq. | Ch. 113 |
| Ch. 65, Act 5, § 11-20-6 | 95.03 |
| Ch. 65, Act 5, § 11-20-7 | 95.03 |
| Ch. 65, Act 5, § 11-30-2 | 155.001 |
| Ch. 65, Act 5, § 11-30-4 | Ch. 150, 150.04 |
| Ch. 65, Act 5, § 11-30-8 | 155.001 |
| Ch. 65, Act 5, § 11-31-2 | 155.001 |
| Ch. 65, Act 5, § 11-40-1 | 71.001, 76.10 |
| Ch. 65, Act 5, § 11-40-3 | 90.02 |
| Ch. 65, Act 5, § 11-40-3.1 | 90.02, 90.03 |
| Ch. 65, Act 5, § 11-42-5 | Ch. 113 |
| Ch. 65, Act 5, § 11-42-8 | 72.35, Ch. 115 |
| Ch. 65, Act 5, § 11-42-8b | Ch. 115 |
| Ch. 65, Act 5, § 11-60-1 | Ch. 110 |
| Ch. 65, Act 5, § 11-60-2 | 95.03 |
| Ch. 65, Act 5, §§ 11-80-1 et seq. | Ch. 97 |
| Ch. 65, Act 5, § 11-80-10 | 97.03 |
| Ch. 65, Act 5, § 11-80-14 | 97.09 |
| Ch. 65, Act 5, § 11-98-1 | 35.05, 96.01 |
| Ch. 65, Act 5, § 11-112-3 | 35.04 |
| Ch. 105, Act 5, § 2-3.51.5 | 71.002 |
| Ch. 210, Act 110, §§ 1 et seq. | Ch. 115 |
| Ch. 220, Act 5, § 16-104 | 35.51 |
| Ch. 225, Act 10, § 2.18 | 154.406 |
| Ch. 225, Act 115 | 119.05 |
| Ch. 225, Act 227 | 93.60, 93.61 |

Galena - Parallel References

| <i>ILCS Section</i> | <i>Code Section</i> |
|---------------------------------|------------------------|
| Ch. 225, Act 320, § 40 | 152.36 |
| Ch. 230, Act 10 | 134.02 |
| Ch. 230, Act 10, §§ 1 et seq. | 134.02 |
| Ch. 230, Act 15, §§ 1 et seq. | 134.02 |
| Ch. 230, Act 20, §§ 1 et seq. | 134.02 |
| Ch. 230, Act 25, §§ 1 et seq. | 134.02 |
| Ch. 230, Act 30, §§ 1 et seq. | 134.02 |
| Ch. 230, Act 40 | 110.45, 134.02 |
| Ch. 235 | 111.02, 111.03 |
| Ch. 235, Act 5, § 1 | 111.01 |
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| O-12-05 | 3-26-12 | 114.04 |
| O-12-06 | 4-9-12 | T.S.O. X |
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| O-12-09 | 4-23-12 | T.S.O. XI |
| O-12-10 | 4-9-12 | 153.02, 153.42, 153.43, 153.59 |
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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i> |
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| O-12-14 | 6-25-12 | 40.01 |
| O-12-15 | 7-23-12 | 150.21 |
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| O-13-01 | 2-11-13 | Adopting Ordinance |
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| O-13-03 | 3-25-13 | 111.20 |
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