Ordinance #O.22.32

An Ordinance **ENACTING AND ADOOPTING 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 28th Day of November 2022.

Published in pamphlet form by authority of the City Council of the City of Galena, Jo Daviess County, Illinois, this 28th Day of November 2022.

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 28th Day of November 2022, the Corporate Authorities of said municipality passed and approved Ordinance No. O.22.32 entitled **AN ORDINANCE ENACTING AND ADOOPTING 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.22.32 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing the 29th Day of November 2022 and commencing for at least ten (10) days thereafter.

Dated at Galena, Illinois, this 29th Day of November 2022.

Mary Beth Hyde

Mary Beth Hyde, City Clerk

(Seal)

ORDINANCE NO. O.22.32

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 Nineteenth 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 Ninteenth 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 28th day of November, 2022.

AYES: Westemeier, Bernstein, Hahn, Kieffer, McCoy, Renner
NAYS: None
ABSENT: Wienen

(SEAL)

Terry Renner
Terry Renner, Mayor

ATTEST:

Mary Beth Hyde
Mary Beth Hyde, City Clerk

GALENA, ILLINOIS
Instruction Sheet
2022 S-19 Supplement

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CITY OF GALENA, ILLINOIS

CODE OF ORDINANCES

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GALENA, ILLINOIS

City Officials

Mayor	Terry Renner
City Administrator	Mark Moran
City Clerk	Mary Beth Hyde
City Attorney	Joe Nack
Police Chief	Eric Hefel
Fire Chief	Bob Conley

Alderpersons

Jerry Kieffer	Robert Hahn
Marc McCoy	Katie Wienen
Jerry Westemeier	Pam Bernstein

ORDINANCE NO. O.20.20

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED by the City of Galena on this 13th day of October 2020.

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

NAYS: None

ABSENT: Hahn

\s\ Terry Renner
Terry Renner, Mayor

ATTEST:

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

TENANT or ***OCCUPANT.*** As applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of the premises, alone or with others.

THIS CODE or ***THIS CODE OF ORDINANCES.*** The city code hereby adopted, and as hereinafter modified by amendment, revision, and by the adoption of new titles, chapters, or sections.

UNITS OF LOCAL GOVERNMENT. The meaning established in Section 1 of Article VII of the constitution of the state of Illinois of 1970. (ILCS Ch. 5, Act 70, § 1.28)

WEEK. Seven consecutive days.

WHOEVER. Includes all persons, natural and artificial; partners; principals, agents, and employees; and all officials, public or private.

WHOLESALE, WHOLESALER. In all cases where the terms are used they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, as distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

WRITTEN or ***IN WRITING.*** Includes printing, electronic, and any other mode of representing words and letters; but when the written signature of any person is required by law on any official or public writing or bond, required by law, it shall be (1) the proper handwriting of that person, or in case he is unable to write, his proper mark or (2) an electronic signature as defined in the Uniform Electronic Transactions Act (ILCS Ch. 815, Act 333), except as otherwise provided by law. (ILCS Ch. 5, Act 70, § 1.15)

YEAR. A calendar year unless otherwise expressed; and the word ***YEAR*** alone is equivalent to the expression "Year of Our Lord." (ILCS Ch. 5, Act 70, § 1.10)
('69 Code, § 1-2)

§ 10.03 SECTION HEADINGS.

Headings and captions used in this code are employed for reference purposes only, and shall not be deemed a part of the text of any section.

§ 10.04 RULES OF CONSTRUCTION.

(A) Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative or judicial definition or otherwise, shall be construed accordingly.

(B) As used in this code, unless the context otherwise requires, the following rules will be followed.

(1) The singular shall include the plural, and the plural shall include the singular. (ILCS Ch. 5, Act 70, § 1.03)

(2) Words of one gender shall include the other genders. (ILCS Ch. 5, Act 70, § 1.04)

(3) Words in the present tense shall include the future. (ILCS Ch. 5, Act 70, § 1.02)

(4) ***AND*** may be read ***OR,*** and ***OR*** may be read ***AND,*** if the context admits.

(C) The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this state, and then it shall also be excluded. If the day succeeding Saturday, Sunday, or a holiday is also a holiday or a Saturday or Sunday, then the succeeding day shall also be excluded. (ILCS Ch. 5, Act 70, § 1.11)

(D) When the law requires an act to be done which may by law as well be done by an agent as by the principal, the requirement shall be construed to include all such acts when done by an authorized agent.

(E) Words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving authority to a majority of the officers or persons. (ILCS Ch. 5, Act 70, § 1.09)

(F) These rules of construction shall not apply to any provision of this code which shall contain any express provision excluding that construction, or when the subject matter or context of this code may be repugnant thereto.

(G) All general provisions, terms, phrases, and expressions shall be liberally construed in order that the true intent and meaning of the Mayor and City Council may be fully carried out. (ILCS Ch. 5, Act 70, § 1.01)

(H) The provisions of any ordinance, in so far as they are the same as those of any prior ordinance, shall be construed as a continuation of the prior provisions, and not as a new enactment. (ILCS Ch. 5, Act 70, § 2)

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

(J) All general provisions, terms, phrases and expressions contained in this code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.

(K) In the interpretation and application of any provisions of this code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the code imposes greater restrictions upon the subject matter than the general provision imposed by the code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
('69 Code, § 1-2)

§ 10.05 OFFICIAL TIME.

The official time for the city shall be as set by federal law.

§ 10.06 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(A) The repeal of a repealing ordinance does not revive the ordinance originally repealed, nor impair the effect of any saving clause therein.

(B) The reenactment, amendment, or repeal of an ordinance does not do any of the following, except as provided in division (C) of this section.

(1) Affect the prior operation of the ordinance or any prior action taken thereunder.

(2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.

(3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal.

(4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment. The investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the ordinance had not been repealed or amended.

(C) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.
('69 Code, § 1-6)

§ 10.07 REFERENCE TO OTHER SECTIONS.

(A) Wherever in a penalty section reference is made to a violation of a section or an inclusive group of sections, the reference shall be construed to mean a violation of any provision of the section or sections included in the reference.

CHAPTER 71: RULES OF OPERATION

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SPEED RESTRICTIONS

§ 71.001 SPEED LIMITS.

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

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

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

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

(1) Thirty miles per hour; and

(2) Fifteen miles per hour in an alley.

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

Statutory reference:

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

§ 71.002 SPECIAL SPEED LIMITS WHILE PASSING SCHOOLS.

(A) For the purpose of this section, a ***SCHOOL DAY*** begins at 6:30 a.m. and concludes at 4:00 p.m.

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

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

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

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

§ 71.003 MAXIMUM ATTAINABLE OPERATING SPEED.

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

§ 71.004 MINIMUM SPEED REGULATION.

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

TURNING AND STARTING; SIGNALS

§ 71.020 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS.

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

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

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

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

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

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

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

§ 71.021 LIMITATIONS ON U-TURNS.

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

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

§ 71.022 STARTING PARKED VEHICLE.

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

§ 71.023 WHEN SIGNAL REQUIRED.

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

(B) A signal of intention to turn right or left, change lanes, otherwise turn a vehicle from a direct course, move right or left upon a highway, or when required must be given continuously during not less than the last 100 feet traveled by the vehicle within a business or residence district, and the signal must be given continuously during not less than the last 200 feet traveled by the vehicle outside a business or residence district.

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

(D) The electric turn signal device required in ILCS Ch. 625, Act 5, § 12-208 must be used and operated as prescribed in division (B) of this section to indicate an intention to turn, change lanes, turn a vehicle from a direct course, move right or left upon a highway, or start from a parallel parked position. Unless the conditions of division (B) of this section are met, an electric turn signal device required in ILCS Ch. 625, Act 5, § 12-208 shall not be left in the on position and must not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, and passing.
(ILCS Ch. 625, Act 5, § 11-804) Penalty, see § 70.99

§ 71.024 SIGNAL BY HAND AND ARM OR SIGNAL DEVICE.

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

§ 71.025 METHOD OF GIVING HAND AND ARM SIGNALS.

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

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

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

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

OVERTAKING AND PASSING

§ 71.040 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

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

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

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

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

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

(C) Upon approaching a stationary authorized emergency vehicle that is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) If changing lanes would be impossible or unsafe, proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions and leaving a safe distance until safely past the stationary vehicle.

(3) The visual signal specified under this division (C) given by an authorized emergency vehicle is an indication to drivers of approaching vehicles that a hazardous condition is present when circumstances are not immediately clear. Drivers of vehicles approaching a stationary emergency vehicle in any lane shall heed the warning of the signal, reduce the speed of the vehicle, proceed with due caution, maintain a safe speed for road conditions, be prepared to stop, and leave a safe distance until safely passed the stationary emergency vehicle.

(4) As used herein, ***AUTHORIZED EMERGENCY VEHICLE*** includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under ILCS Ch. 625, Act 5,§ 12-215, while its owner or operator is engaged in his or her official duties.

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

(1) A person who violates division (C) commits a business offense punishable by a fine of not less than $250 or more than $10,000 for a first violation, and a fine of not less than $750 or more than $10,000 for a second or subsequent violation. It is a factor in aggravation if the person committed the offense while in violation of ILCS Ch. 625, Act 5, §§ 11-501, 12-610.1, or 12-610.2. Imposition of the penalties authorized by this division for a violation of division (C) of this section that results in the death of another person does not preclude imposition of appropriate additional civil or criminal penalties. A person who violates division (C) and the violation results in damage to another vehicle commits a Class A misdemeanor. A person who violates division (C) and the violation results in the injury or death of another person commits a Class 4 felony.

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

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

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

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

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

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

§ 71.067 FUNERAL PROCESSIONS.

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

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

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

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

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

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

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

(E) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers or flashing hazard warning signal flashers to identify the individual vehicles in such a procession.

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

SPECIAL STOPS REQUIRED

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

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

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

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

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

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

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

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

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

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

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

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

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

the operator when the operator is seated in the normal driving position astride that portion of the seat or saddle occupied by the operator.

(D) The operator of any motorcycle shall keep at least one hand on a handlebar grip at all times the motorcycle is in motion.

(E) The operator of a motorcycle may not transport a passenger unless the passenger is capable of resting a foot on the footrest while the motorcycle is in motion.
(ILCS Ch. 625, Act 5, § 11-1403) Penalty, see § 70.99

§ 73.41 SPECIAL EQUIPMENT FOR PERSONS RIDING MOTORCYCLES, MOTOR DRIVEN CYCLES OR MOPEDS.

(A) The operator and every passenger of a motorcycle, motor driven cycle or moped shall be protected by glasses, goggles, or a transparent shield, as defined in ILCS Ch. 625, Act 5, §§ 11-1404(b).

(B) Contact lenses are not acceptable eye protection devices.
(ILCS Ch. 625, Act 5, § 11-1404) Penalty, see § 70.99

§ 73.42 REQUIRED EQUIPMENT ON MOTORCYCLES.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.
(ILCS Ch. 625, Act 5, § 11-1405) Penalty, see § 70.99

§ 73.43 OPERATING A MOTORCYCLE, MOTOR DRIVEN CYCLE, OR MOPED ON ONE WHEEL.

(A) No person shall operate a motorcycle, motor driven cycle, or moped on one wheel.

(B) A person commits aggravated operating a motorcycle, motor drive cycle, or moped on one wheel when he or she violates division (A) of this section while committing a violation of § 71.001(B).
(ILCS Ch. 625, Act 5, § 11-1403.2) Penalty, see § 70.99

CHAPTER 75: PEDESTRIANS

Section

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§ 75.01 PEDESTRIAN OBEDIENCE TO TRAFFIC CONTROL DEVICES AND TRAFFIC REGULATIONS.

(A) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(B) Pedestrians shall be subject to traffic and pedestrian-control signals provided in §§ 70.31 and 70.32 of this traffic code; but at all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter. (ILCS Ch. 625, Act 5, § 11-1001)

§ 75.02 PEDESTRIAN RIGHT-OF-WAY AT CROSSWALKS.

(A) When traffic-control signals are not in place, or not in operation, the driver of a vehicle shall stop and yield the right-of-way to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(B) No pedestrian shall suddenly leave a curb or other place of safety, and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(C) Division (A) shall not apply under the condition stated in § 75.03(B).

(D) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(E) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers shall yield right-of-way to pedestrians as set forth in § 71.062. (ILCS Ch. 625, Act 5, § 11-1002) Penalty, see § 70.99

§ 75.03 CROSSING AT OTHER THAN CROSSWALKS.

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(C) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(D) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to the crossing movements.

(E) Pedestrians with disabilities may cross a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk where the intersection is physically inaccessible to them but they shall yield the right-of-way to all vehicles upon the roadway.
(ILCS Ch. 625, Act 5, § 11-1003) Penalty, see § 70.99

§ 75.04 DRIVERS TO AVOID COLLIDING WITH PEDESTRIANS.

Notwithstanding other provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human power and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person.
(ILCS Ch. 625, Act 5, § 11-1003.1) Penalty, see § 70.99

§ 75.05 BLIND, HEARING IMPAIRED, OR PHYSICALLY HANDICAPPED PEDESTRIAN RIGHT-OF-WAY.

The driver of a vehicle shall yield the right-of-way to any blind, hearing-impaired, or physically handicapped pedestrian carrying a clearly visible white cane or accompanied by a support or guide dog.
(ILCS Ch. 625, Act 5, § 11-1004) Penalty, see § 70.99

§ 75.06 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
(ILCS Ch. 625, Act 5, § 11-1005) Penalty, see § 70.99

§ 75.07 PEDESTRIANS SOLICITING RIDES OR BUSINESS.

(A) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(B) No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.

(C) No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle, unless expressly permitted by this code. Solicitation on highways within this city shall be allowed only at intersections where all traffic is required to come to a full stop. Any person engaged in the act of solicitation shall be 16 years of age or more and shall be wearing a high visibility vest. The soliciting agency shall be:

(1) Registered with the Attorney General as a charitable organization as provided by the Solicitation for Charity Act.

(2) Engaged in a statewide fundraising activity.

(3) Liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.

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

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

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

§ 77.06 DUTY UPON DAMAGING UNATTENDED VEHICLE OR OTHER PROPERTY.

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

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

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

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

§ 77.07 DUTY TO REPORT ACCIDENT.

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

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

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

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

(E) The Secretary of State shall suspend the driver's license or any nonresident's driving privilege of any person who fails or neglects to make report of a traffic accident as herein required or as required by any other law of this state.

Statutory reference:

Authorization for city to require accident reports, see ILCS Ch. 625, Act 5, § 11-415

§ 77.08 FALSE REPORTS.

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

§ 77.09 WHEN DRIVER FAILS TO REPORT.

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

service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of the police department. If a vehicle towed or held under order or authorization of the police department is seized by the police department or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(4) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs.

(ILCS Ch. 625, Act 5, § 4-204)

Statutory reference:

Impoundment of vehicle driven by person arrested for driving under the influence of alcohol, drugs or the like, see ILCS Ch. 625, Act 5, § 4-203(e)

§ 90.04 NOTICE TO BE GIVEN TO REGISTERED OWNER, STATE POLICE.

(A) (1) When the police department authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder, or other legally-entitled person, it will cause the vehicle registration records of the state to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(2) (a) The police department will cause the stolen motor vehicle files of the Illinois state police to be searched by a directed communication to the Illinois state police for stolen or wanted information on the vehicle. When the Illinois state police files are searched with negative results, the information contained in the National Crime Information Center (NCC) files will be searched by the Illinois state police. The information determined from these record searches will be returned to the police department for use in sending notice by certified mail to the registered owner, lienholder, or other legally-entitled person advising where the vehicle is held, requesting a disposition be made, and setting forth public sale information.

(b) Notification shall be sent no later than ten business days after the date the police department impounds or authorizes the impounding of a vehicle, provided that if the police department is unable to determine the identity of the registered owner, lienholder, or other person legally-entitled to ownership of the impounded vehicle within a ten-day business period after impoundment, then notification shall be sent no later than two days after the date the identity of the registered owner, lienholder, or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder, or other legally-entitled persons are as set forth in § 90.06(B).

(3) (a) When ownership information is needed for a towing service to give notification as required under this chapter, the towing service may cause the vehicle registration records of the state to be searched by the Secretary of State, and in such case, the towing service also shall give notice to all lienholders of record within the time period required for such other notices.

(b) The written request of a towing service, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

(c) The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the state, by U.S. mail or other delivery service, facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(4) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(5) Fees for services provided under this section shall be in amounts prescribed by the Secretary of State under ILCS Ch. 625, Act 5, § 3-821.1. Payment may be made by the towing service using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State.
(ILCS Ch. 625, Act 5, § 4-205)

(B) When the registered owner, lienholder, or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this state or other state, if applicable, the police department shall notify the Illinois state police for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois state police will be immediately forwarded to the police department for notification purposes as set forth in division (A) above. (ILCS Ch. 625, Act 5, § 4-206)

§ 90.05 RECLAIMING OF VEHICLE BY OWNER.

Any time before a vehicle is sold at public sale or disposed of as provided in § 90.06(A), the owner, lienholder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the police department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other person under this section until all towing, storage, and processing charges have been paid.
(ILCS Ch. 625, Act 5, § 4-207)

§ 90.06 DISPOSAL OF UNCLAIMED VEHICLE.

(A) *Disposal of unclaimed vehicles with notice.*

(1) When an abandoned, lost, stolen, or unclaimed vehicle seven years of age or newer remains unclaimed by the registered owner, lienholder, or other legally entitled persons for a period of 30 days after notice has been given as required by § 90.04, the police department or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder, or scrap processor under state law. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten days prior to the sale on the premises where the vehicle has been impounded. At least ten days prior to the sale, the police department where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in § 90.04 of this code and as provided in this division shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally-entitled person to reclaim the vehicle.

(2) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under divisions (A) and (B) of this section shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(3) In those instances where the certified notification specified in § 90.04 has been returned by the postal authorities to the police department or towing service the sending of a second certified notice will not be required.
(ILCS Ch. 625, Act 5, § 4-208)

(B) *Disposal of unclaimed vehicles more than seven years of age; disposal of abandoned or unclaimed vehicles without notice.*

(1) When the identity of the registered owner, lienholder, or other legally entitled persons of an abandoned, lost, or unclaimed vehicle of seven years of age or newer cannot be determined by any means provided for in this chapter, the vehicle may be sold as provided in § 90.06(A) without notice to any person whose identity cannot be determined.

(2) When an abandoned vehicle of more than seven years of age is impounded as specified by this chapter, or when any such vehicle is towed at the request or with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of ten days for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service, or in person for a determination of disposition; and for an examination of the Illinois state police stolen vehicle files for theft and wanted information. At the expiration of the ten-day period, without the benefit of disposition information being received from the registered owner, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

(a) The police department will authorize the disposal of the vehicle as junk or salvage.

(b) The towing service may sell the vehicle in the manner provided in division (A) of this section, provided that this division (B)(2) shall not apply to vehicles towed by order or authorization of a law enforcement agency.

(3) A vehicle classified as an antique vehicle, expanded-use vehicle, custom vehicle, or street rod may, however, be sold to a person desiring to restore it.
(ILCS Ch. 625, Act 5, § 4-209)

(C) *Collection of unpaid charges.* In an action to collect towing, storage, and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this chapter, the towing service may recover reasonable collection costs. (ILCS Ch. 625, Act 5, § 4-209.2)

(D) *Titling vehicles after public sale; removal of liens.* When an applicant for a certificate of title under this chapter presents to the Secretary of State proof that he has purchased or acquired a vehicle at a public sale as authorized by this chapter and such fact is certified to by the police department of this city, the Secretary of State shall issue a certificate of title for the vehicle upon receipt of the statutory fee and a properly executed application for a certificate of title. The title issued by the Secretary of State under this division shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this chapter. (ILCS Ch. 625, Act 5, § 4-212)

§ 90.07 POLICE DEPARTMENT TO KEEP RECORDS OF RECLAMATION OR DISPOSAL OF VEHICLE.

When a vehicle in the custody of the police department is reclaimed by the registered owner, lienholder, or other legally-entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this chapter, a report of the transaction will be maintained by the police department for a period of one year from the date of the sale or disposal.
(ILCS Ch. 625, Act 5, § 4-210)

§ 90.08 DISPOSITION OF PROCEEDS OF SALE.

When a vehicle located within the city is authorized to be towed away by the police department and disposed of as set forth in this chapter, the proceeds of the public sale or disposition after the deduction of towing, storage, and processing charges shall be deposited in the Treasury of the city.
(ILCS Ch. 625, Act 5, § 4-211)

§ 90.09 LIABILITY.

(A) A police officer or the police department, or the towing service owner, operator, or employee shall not be held to answer or be liable for damages in any

action brought by the registered owner, former registered owner, or his or her legal representative, lienholder, or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this chapter.

(B) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or by the police department shall not be held to answer or be liable for loss of or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation or at the direction of a peace officer, a highway authority official, or a representative of local authorities, under §§ 77.05 or 77.06 of this Code of Ordinances.
(ILCS Ch. 625, Act 5, § 4-213)

§ 90.10 VEHICLE ABANDONED IN PUBLIC GARAGE OR PARKING AREA; OPERATOR TO NOTIFY POLICE.

(A) An operator of a place of business for garaging, repairing, parking, or storing vehicles for the public in which a vehicle remains unclaimed after being left for the purpose of garaging, repairing, parking, or storage for a period of 15 days shall, within five days after the expiration of that period, report the vehicle as unclaimed to the city police department.

(B) This section does not apply to any vehicle:

(1) Removed to a place of storage by the city police department in accordance with §§ 90.01 and 90.03; or

(2) Left under a garaging, repairing, parking, or storage order signed by the owner, lessor, or other legally entitled person.

(C) Failure to comply with this section will result in the forfeiture of storage fees for that vehicle involved.
(ILCS Ch. 625, Act 5, § 4-107(c))

§ 90.99 PENALTY.

(A) Any person who violates §§ 90.01 or 90.02(E) or who aids and abets in that violation:

(1) Shall be subject to a mandatory fine of $200; and

(2) Shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collections costs pursuant to § 90.03.

(B) (1) When a vehicle is abandoned, it shall be presumed that the last registered owner is responsible for the abandonment and shall be liable for all towing, storage, and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of 30 days' storage fees.

(2) The presumption established under this division (B) may be rebutted by showing that prior to the time of the tow:

(a) A report of vehicle theft was filed with respect to the vehicle; or

(b) The vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer.

(3) If the presumption established under this division (B) is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage, and processing charges and collection costs.
(ILCS Ch. 625, Act 5, § 4-214)

DOGS AND CATS AND OTHER DOMESTICATED ANIMALS

§ 91.20 IMMUNIZATION OF DOGS, CATS AND FERRETS.

No person shall own any dog, cat or ferret, four months of age or older, within the city limits if such animal is not currently vaccinated against rabies. Any person owning a dog within the city shall cause such dog to wear a collar or harness at all times to which shall be attached a current tag reflecting that the dog is vaccinated against rabies. The tag shall be situated on the collar or harness in such a manner that it may be easily visible at all times. Owners of cats and ferrets may retain proof of current rabies vaccination on their person or premises.
(Ord. O-10-20, passed 6-14-10)

§ 91.21 ANIMALS PROHIBITED TO RUN AT LARGE.

(A) It shall be unlawful for any person to own or keep a dog or cat or other animal which runs at large in the city. Knowledge or acquiescence by the owner or keeper is not an element of the offense. An animal shall not be deemed to be running at large if:

(1) The animal is firmly attached to a leash or chain under the physical control of its owner or keeper;

(2) The animal is within a structure or within a fence enclosure with the permission of the owner or keeper of the structure or fence enclosure; or

(3) The animal has an operating electronic collar and is under the charge, care or control, of its owner or keeper who is operating an electronic pet containment system or electronic training system for the animal. Notwithstanding this division (A)(3), all animals on public property must be firmly attached to a leash or chain and under the control of its owner or keeper.

(B) Any animal on property without the permission of the property owner shall be deemed to be an animal at large and the owner of such animal shall be in violation of this section.

(C) The provisions of this section shall not apply to persons who have a physical disability or visual impairment, who are using service dogs, and can provide adequate documentation, upon demand of an animal control officer or law enforcement officer, that the service dog is an animal trained by an accredited institution which trains dogs for service work for the physically disabled or visually impaired.
(Ord. O-10-20, passed 6-14-10; Am. Ord. O-11-05, passed 1-10-11)

§ 91.22 HABITUAL VIOLATOR; ANIMAL AT LARGE.

It shall be a separate municipal offense for any person to receive four or more citations for violation of § 91.21 within a 24 month consecutive period. Such person shall be cited as a habitual violator. Any person found guilty of violation of this section shall be fined a minimum of triple the normal fine for each habitual violator citation. It shall be a defense to an alleged violation of this section for the defendant to have been adjudged not guilty, or the charge dismissed, of § 91.21.
(Ord. O-10-20, passed 6-14-10)

§ 91.23 AGGRESSIVE ANIMAL AT LARGE DEFINED.

(A) An *AGGRESSIVE ANIMAL AT LARGE* means any animal at large that without provocation, exhibits aggression or combativeness toward a person or another domestic animal, whether or not said person or animal is attacked, bitten, or scratched by the aggressive animal at large.

(B) Any person found guilty of animal at large as defined in § 91.21, where such animal is an aggressive animal shall be fined as follows: double the normal fine for the first offense within a 12 month period, or triple the normal fine for the second offense within a 12 month period, or quadruple the normal fine for the third offense within a 12 month period, and $1,000 for the fourth and subsequent offense(s) within a 12 month period. The fine shall be in addition to any applicable court costs or impoundment fees. The Humane Society or other impoundment facility shall not release an animal to an owner if the owner has failed to pay a fine or has failed to appear in municipal court for the adjudication of a violation of this section.
(Ord. O-10-20, passed 6-14-10)

§ 91.24 HABITUAL VIOLATOR; AGGRESSIVE ANIMAL AT LARGE.

It shall be a separate municipal offense for any person to receive four or more citations for violation of § 91.22 within a 24 month consecutive period. Such person shall be cited as a habitual violator. Any person found guilty of violation of this section shall be fined a minimum of $1,000 and a maximum of $2,500 for each habitual violator citation.
(Ord. O-10-20, passed 6-14-10)

§ 91.25 PURSUIT ONTO PRIVATE PROPERTY.

An officer may pursue and capture any animal, including a dog or cat, found to be running at large as defined in § 91.21. The officer shall have the authority to enter upon private property to effectuate capture. However, the officer shall not enter into any secured fenced area or structure located upon private property.
(Ord. O-10-20, passed 6-14-10)

§ 91.26 IMPOUNDING, REDEMPTION AND DISPOSITION.

A dog, cat or other animal found running at large within the corporate limits of the city, contrary to the provisions of § 91.21 may be taken up by the officer or brought in by a member of the public and may be impounded at the city holding facility. The officer shall make a record of all dogs or cats so impounded with their description, date of impoundment and rabies vaccination number. If, within 72 hours from the date any dog or cat is impounded and the owner of such dog or cat shall appear and claim his or her dog or cat, said dog or cat may be released upon payment of those owing fees which shall be set by the City Council from time to time. If the owner cannot be located within 72 hours, the animal may be transported to a third-party kennel such as a humane society. In such instance, any fees paid by the City of Galena for animal control services, a veterinarian or kennel shall be payable to the City of Galena by the owner of the animal within 30 days of the City of Galena billing the owner.
(Ord. O-10-20, passed 6-14-10; Am. Ord. O.20.22, passed 11-11-20)

§ 91.27 NOISE DISTURBANCE.

No person shall own within the city limits any animal, including a dog or cat, which, by creating a noise for prolonged periods of time by day or night, disturbs the peace and quiet of any person or family within the city.
(Ord. O-10-20, passed 6-14-10)

§ 91.28 DAMAGE TO PRIVATE PROPERTY.

The owner of any animal shall be in violation of this subchapter if any such animal damages private property not belonging to the owner.
(Ord. O-10-20, passed 6-14-10)

§ 91.29 ANIMAL BITES; QUARANTINE.

(A) *Owner known.* Upon receipt of notification from a duly licensed practitioner of medicine or registered nurse that an animal bite incident has occurred, the officer shall make reasonable effort to contact the owner of the animal involved in the incident and advise the owner to place the animal immediately with a regularly licensed and practicing veterinarian of the owner's choice for a confinement period of a minimum of ten days from the time of the occurrence of the bite. The exact period of confinement may be longer than ten days at the discretion of the veterinarian selected and the owner shall be liable for all such costs incurred. Confinement at home is allowed if the dog has an up-to-date rabies vaccination. Dogs without an up-to-date rabies vaccination must be confined at a veterinary clinic or

CHAPTER 97: STREETS AND SIDEWALKS

Section

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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

§ 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)

SMALL WIRELESS FACILITIES

§ 97.60 PURPOSE AND SCOPE.

(A) *Purpose.* The purpose of this chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the city's jurisdiction, or outside the rights-of-way on property zoned by the city exclusively for commercial or industrial use, in a manner that is consistent with the Act.

(B) *Conflicts with other ordinances.* This chapter supersedes all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(C) *Conflicts with state and federal laws.* In the event that applicable federal or state laws or regulations conflict with the requirements of this chapter, the wireless provider shall comply with the requirements of this chapter to the maximum extent possible without violating federal or state laws or regulations.
(Ord. O.20.18, passed 9-28-20)

§ 97.61 DEFINITIONS.

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

ANTENNA. Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

APPLICABLE CODES. Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

APPLICANT. Any person who submits an application and is a wireless provider.

APPLICATION. A request submitted by an applicant to the city for a permit to collocate small wireless facilities and request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

COLLOCATE or ***COLLOCATION.*** To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

COMMUNICATIONS SERVICE. Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

COMMUNICATIONS SERVICE PROVIDER. A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC. The Federal Communications Commission of the United States.

FEE. A one-time charge.

HISTORIC DISTRICT or ***HISTORIC LANDMARK.*** A building, property, or site, or group of buildings, properties, or sites that are either:

(1) Listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or

(2) Designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the city pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

LAW. A federal or state statute, common law, code, rule, regulation, order, or local ordinance or resolution.

MICRO WIRELESS FACILITY. A small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

MUNICIPAL UTILITY POLE. A utility pole owned or operated by the city in public rights-of-way.

PERMIT. A written authorization required by the city to perform an action or initiate, continue, or complete a project.

PERSON. An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

PUBLIC SAFETY AGENCY. The functional division of the federal government, the state, a unit of local government, or a special purpose district located in whole or in part within this state, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

RATE. A recurring charge.

RIGHT-OF-WAY. The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. ***RIGHT-OF-WAY*** does not include city-owned aerial lines.

SMALL WIRELESS FACILITY.

(1) A wireless facility that meets both of the following qualifications:

(a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and

(b) All other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume.

(2) The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

UTILITY POLE. A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

WIRELESS FACILITY.

(1) Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

(a) Equipment associated with wireless communications; and

(b) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

(2) ***WIRELESS FACILITY*** includes small wireless facilities. ***WIRELESS FACILITY*** does not include:

(a) The structure or improvements on, under, or within which the equipment is collocated; or

(b) Wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

WIRELESS INFRASTRUCTURE PROVIDER. Any person authorized to provide telecommunications service in the state that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the city.

WIRELESS PROVIDER. A wireless infrastructure provider or a wireless services provider.

WIRELESS SERVICES. Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

WIRELESS SERVICES PROVIDER. A person who provides wireless services.

WIRELESS SUPPORT STRUCTURE. A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. ***WIRELESS SUPPORT STRUCTURE*** does not include a utility pole.
(Ord. O.20.18, passed 9-28-20)

§ 97.62 REGULATION OF SMALL WIRELESS FACILITIES.

(A) *Permitted use.* Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in § 97.63(I) regarding height exceptions or variances, but not subject to zoning review or approval if they are collocated:

(1) In rights-of-way in any zoning district; or

(2) Outside rights-of-way in property zoned exclusively for commercial or industrial use.

(B) *Permit required.* An applicant shall obtain one or more permits from the city to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

(1) *Application requirements.* A wireless provider shall provide the following information to the city, together with the city's small cell facilities permit application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

(a) Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in § 4 of the Structural Engineering Practice Act of 1989;

(b) The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;

(c) Specifications and drawings prepared by a structural engineer, as that term is defined in § 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;

(d) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;

(e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and

(f) Certification that the collocation complies with the collocation requirements and conditions contained herein, to the best of the applicant's knowledge.

(g) In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the city, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

(2) *Application process.* The city shall process applications as follows:

(a) The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

(b) 1. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the city fails to approve or deny the application within 90 days after the submission of a completed application.

2. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the city in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

3. The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the city. The receipt of the deemed approved notice shall not preclude the city's denial of the permit request within the time limits as provided under this chapter.

(c) 1. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the city fails to approve or deny the application within 120 days after the submission of a completed application.

2. However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the city in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

3. The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the tenth day after the receipt of the deemed approved notice by the city. The receipt of the deemed approved notice shall not preclude the city's denial of the permit request within the time limits as provided under this chapter.

(d) 1. The city shall deny an application which does not meet the requirements of this chapter.

2. If the city determines that applicable codes, ordinances or regulations that concern public safety, or the collocation requirements and conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

3. The city shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the city denies an application.

4. The applicant may cure the deficiencies identified by the city and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The city shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the application to submit a new application with applicable fees, and recommencement of the city's review period.

5. The applicant must notify the city in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

6. Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

(e) *Pole attachment agreement.* Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the city

and the applicant shall enter into a master pole attachment agreement, provided by the city for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the city and the applicant shall enter into a license supplement of the master pole attachment agreement.

(3) *Completeness of application.*

(a) Within 30 days after receiving an application, the city shall determine whether the application is complete and notify the applicant. If an application is incomplete, the city must specifically identify the missing information. An application shall be deemed complete if the city fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the city's permit application form are submitted by the applicant to the city.

(b) Processing deadlines are tolled from the time the city sends the notice of incompleteness to the time the applicant provides the missing information.

(4) *Tolling.* The time period for applications may be further tolled by:

(a) An express written agreement by both the applicant and the city; or

(b) A local, state or federal disaster declaration or similar emergency that causes the delay.

(5) *Consolidated applications.*

(a) An applicant seeking to collocate small wireless facilities within the jurisdiction of the city shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

(b) If an application includes multiple small wireless facilities, the city may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The city may issue separate permits for each collocation that is approved in a consolidated application.

(6) *Duration of permits.*

(a) The duration of a permit shall be for a period of not less than five years, and the permit shall be renewed for equivalent durations unless the city makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable city codes or any provision, condition or requirement contained in this chapter.

(b) If the Act is repealed as provided in § 90 therein, renewals of permits shall be subject to the applicable city code provisions or regulations in effect at the time of renewal.

(7) *Means of submitting applications.* Applicants shall submit applications, supporting information and notices to the city by personal delivery at the city's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.
(Ord. O.20.18, passed 9-28-20)

§ 97.63 COLLOCATION REQUIREMENTS AND CONDITIONS.

(A) *Public safety space reservation.* The city may reserve space on municipal utility poles for future public safety uses, for the city's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the city reasonably determines that the municipal utility pole cannot accommodate both uses.

(B) *Installation and maintenance.* The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this chapter. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

(C) *No interference with public safety communication frequencies.*

(1) The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

(2) A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

(3) Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

(4) If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

(5) The city may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous division. Failure to remedy the interference as required herein shall constitute a public nuisance.

(D) (1) The wireless provider shall not collocate small wireless facilities on city utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

(2) However, the antenna and support equipment of the small wireless facility may be located in the communications space on the city utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

(3) For purposes of this division, the terms ***COMMUNICATIONS SPACE***, ***COMMUNICATION WORKER SAFETY ZONE***, and ***ELECTRIC SUPPLY ZONE*** have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

(E) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

(F) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a city ordinance, written policy adopted by the city, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district. Additionally, all wireless facilities subject to this section, including all related equipment and appurtenances, must be a color that blends with the surroundings of the pole, structure tower or infrastructure on which it is mounted. The color must be comprised of nonreflective materials which blend with the materials and colors of the surrounding area

and structures. The applicant shall use good faith efforts to employ reasonable stealth techniques to conceal the appearance of the wireless facilities.

(G) *Alternate placements.*

(1) Except as provided in this section, a wireless provider shall not be required to collocation small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the city may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

(2) If the applicant refuses a collocation proposed by the city, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this division.

(H) *Height limitations.*

(1) The maximum height of a small wireless facility shall be no more than ten feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

(2) New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

(a) Ten feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the city, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the city, provided the city may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or

(b) Forty-five (45) feet above ground level.

(I) *Height exceptions or variances.* If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in writing with the City Engineer in conformance with procedures, terms and conditions set forth in § 98.21 of the Galena, Illinois Code of Ordinances.

(J) *Contractual design requirements.* The wireless provider shall comply with requirements that are imposed by a contract between the city and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.

(K) *Ground-mounted equipment spacing.* The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.

(L) *Undergrounding regulations.* The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

(M) *Collocation completion deadline.* Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the city and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the city grants an extension in writing to the applicant.
(Ord. O.20.18, passed 9-28-20)

§ 97.64 APPLICATION FEES.

Application fees are imposed as follows:

(A) Applicant shall pay an application fee of $650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and $350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.

(B) Applicant shall pay an application fee of $1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.

(C) Notwithstanding any contrary provision of state law or local ordinance, applications pursuant to this section shall be accompanied by the required application fee. Application fees shall be non-refundable.

(D) The city shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:

(1) Routine maintenance;

(2) The replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the city at least ten days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with § 97.62(B)(1)(d); or

(3) The installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.

(4) Wireless providers shall secure a permit from the city to work within rights-of-way for activities that affect traffic patterns or require lane closures.
(Ord. O.20.18, passed 9-28-20)

§ 97.65 EXCEPTIONS TO APPLICABILITY.

Nothing in this chapter authorizes a person to collocate small wireless facilities on:

(A) Property owned by a private party or property owned or controlled by the city or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;

(B) Property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

(C) (1) Property owned by a rail carrier registered under § 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in § 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this chapter do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of § 16-108.5(i) of the Public Utilities Act.

(2) For the purposes of this division, ***PUBLIC UTILITY*** has the meaning given to that term in § 3-105 of the Public Utilities Act. Nothing in this chapter shall be construed to relieve any person from any requirement (a) to obtain a franchise or a state-issued authorization to offer cable service or video service; or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this chapter.
(Ord. O.20.18, passed 9-28-20)

§ 97.66 PRE-EXISTING AGREEMENTS.

(A) Existing agreements between the city and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on city utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the city's utility poles pursuant to applications submitted to the city before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after the effective date of this chapter shall comply with this chapter.

(B) A wireless provider that has an existing agreement with the city on the effective date of the Act may accept the rates, fees and terms that the city makes available under this chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the city that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the city's utility poles pursuant to applications submitted to the city before the wireless provider provides such notice and exercises its option under this division.
(Ord. O.20.18, passed 9-28-20)

§ 97.67 ANNUAL RECURRING RATE.

(A) A wireless provider shall pay to the city an annual recurring rate to collocate a small wireless facility on a city utility pole located in a right-of-way that equals:

(1) Two hundred dollars ($200) per year; or

(2) The actual, direct and reasonable costs related to the wireless provider's use of space on the city utility pole.

(B) If the city has not billed the wireless provider actual and direct costs, the fee shall be $200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.
(Ord. O.20.18, passed 9-28-20)

§ 97.68 ABANDONMENT.

(A) A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the city notifying the wireless provider of the abandonment.

(B) The notice shall be sent by certified or registered mail, return receipt requested, by the city to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the city may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

(C) A wireless provider shall provide written notice to the city if it sells or transfers small wireless facilities within the jurisdiction of the city. Such notice shall include the name and contact information of the new wireless provider.
(Ord. O.20.18, passed 9-28-20)

§ 97.69 DISPUTE RESOLUTION.

The Circuit Court of Jo Daviess County shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the city shall allow the collocating person to collocate on its poles at annual rates of no more than $200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.
(Ord. O.20.18, passed 9-28-20)

§ 97.70 INDEMNIFICATION.

A wireless provider shall indemnify and hold the city harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the city improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this chapter and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the city or its employees or agents. A wireless provider shall further waive any claims that they may have against the city with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.
(Ord. O.20.18, passed 9-28-20)

§ 97.71 INSURANCE.

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

(A) Property insurance for its property's replacement cost against all risks;

(B) Workers' compensation insurance, as required by law; or

(C) Commercial general liability insurance with respect to its activities on the city improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of city improvements or rights-of-way, including coverage for bodily injury and property damage. The wireless provider shall include the city as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the city in a commercial general liability policy prior to the collocation of any wireless facility. A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the city. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this section. A wireless provider that elects to self-insure shall provide to the city evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the city.
(Ord. O.20.18, passed 9-28-20)

§ 97.72 SEVERABILITY.

If any provision of this chapter or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this chapter is severable.
(Ord. O.20.18, passed 9-28-20)

CHAPTER 110: GENERAL LICENSING; MISCELLANEOUS BUSINESS REGULATIONS

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See ILCS Ch. 65, Act 5, § 11-60-1

GENERAL PROVISIONS

§ 110.01 INTENT.

It is the intent of the City Council to enact this chapter providing standards and licensing procedures for businesses, occupations, activities and other operations subject to licensing not otherwise provided for within the city for the following reasons:

(A) To protect the public health, safety, and welfare of citizens and guests of the city; and to protect the quality and character of the community;

(B) To protect the needs and interests of the permanent businesses of the city;

(C) To accommodate special events and festivals that provide added attraction to the city;

(D) To support local not-for-profit charitable events;

(E) To provide an applicable means by which the city can enforce these requirements and procedures. ('69 Code, § 12-1) (Ord. O-92-5, passed 4-27-92)

§ 110.02 DEFINITIONS.

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

CARNIVAL. A collection of rides, games, and amusement shows, for which admission is charged or individual events are charged for.

CIRCUS. A traveling show in which wild animals, athletic feats, clowns, etc., are exhibited, usually under a large tent.

COIN-OPERATED DEVICE. A device which provides a service, entertains, or dispenses a physical product or good upon receipt of coins or other tokens.

CONVENTION CENTER. Any building, auditorium, or portion of a building (except those owned by a governmental entity) licensed leased or used for short periods of time of up to 14 days, for conventions, expositions, meetings, receptions, exhibitions, athletic contests, carnivals, rentals to itinerant merchants or itinerant vendors, or similar uses.

DOOR-TO-DOOR SOLICITOR OR COMMUNICATOR. Any person who is engaged in the contact with citizens for the purpose of religious, political, charitable, patriotic or philanthropic motivations or other similar solicitation or communication from door-to-door, house-to-house, place-to-place, or street-to-street.

EXPOSITION. A large public exhibition, show or display, including (but not limited to) displays of art, industrial or commercial products, services or recreational equipment, at which no sales of or orders for any of the displayed merchandise are made.

FAIR. A gathering for competition, or exhibition of various products, often with amusements and educational displays.

FARMERS' MARKET. A group of vendors collected at a location approved by the City Council for selling only home-grown products, food items, or handmade products consistent with Jo Daviess County Health Department regulations.

FESTIVAL. A collection of games, activities, sales booths, etc. See also ***FLEA MARKET*** and/or ***FUNDRAISING EVENT.***

FIREARMS, WEAPONS OR MUNITIONS DEALER. Firearms, weapons or munitions dealers shall be subject to all statutes and regulations enacted by the State of Illinois.

FLEA MARKET. Any location other than a permanent retail store at which space is rented or otherwise made available to others to conduct business as transient merchants, itinerant vendors, hawkers, peddlers or similar sales or transactions for a period of not more than 48 consecutive hours.

FUNDRAISING EVENT. An event in which all proceeds are used to benefit a ***NONPROFIT ORGANIZATION*** as defined below.

GARAGE SALE. A private individual or group of individuals gathered at one private residential property for the sale of assorted household goods within a period of not more than 72 consecutive hours.

ITINERANT MERCHANT. Any person who is engaged temporarily in the sale of goods, wares or merchandise, either new or used, who, for the purpose of conducting such business, occupies or uses any convention center or any other location within the municipal limits for periods of fewer than five days at a single location to display or sell such goods. Exceptions to this are individuals conducting not more than two garage sales per year on private residential property.

ITINERANT VENDOR. Any person who transports tangible personal property for display or sale at a convention center or any other location within the municipal limits, but who does not maintain an established office, distribution house, sales house, warehouse, service center or residence from which the business is conducted.

JUNK. Old metal, glass, paper, rags, parts and similar items that may be salvageable for reuse or resale.

LUNCH STAND. Any temporary set-up outside of a permanent building for the purpose of serving food and/or liquid refreshments to the general public.

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; Am. Ord. O.21.09, passed 4-12-21)

§ 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 manager, who will assume responsibility for the coordination of all farmers' market events and assure compliance with all regulations. Said market manager shall be responsible for obtaining the required license.

(2) The market manager, when requesting a farmer's market license, must have proof of a state user's permit from the State of Illinois agency in charge of the Market House historic site (Market Square), if the market is to be conducted at the Market Square. Said market manager 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 manager (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:

(a) Market Square, between Commerce Street and the alley west of the Lemfco Foundry, and between Perry and Hill Streets;

(b) City Hall parking lot on Commerce Street; and

(c) Green Street Plaza on Green Street between Commerce Street and Water Street.

(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, home-grown food items, or handmade products, and it shall be unlawful to sell items that are not in accordance with Jo Daviess County Health Department standards.

(4) Each vendor shall display at the point of sale a notice of where the food items were produced or grown and the name of the processor or grower and, in the case of non-food items, the person(s) who manufactured the items and the place of manufacture.

(5) Not more than 50% of the vendors at the market shall sell non-food items.

(6) Foods and products infused with or containing cannabis/hemp or cannabis derived products, such as cannabidiol (CBD), are not allowed to be sold.

(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; Am. Ord. O.21.09, passed 4-12-21)
Penalty, see § 110.99

§ 110.39 STREET PERFORMERS.

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

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

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

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

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

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

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

(C) *Rules and regulations.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 110.45 COIN-OPERATED DEVICES AND VIDEO GAMING TERMINALS.

(A) *License required.* It shall be unlawful to hold, operate, cause to be held, or cause to be operated a coin-operated device or a video gaming terminal as defined in the Video Gaming Act of the State of Illinois, ILCS Ch. 230, Act 40 et seq., without a valid license as provided for herein.

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

(1) The license must be obtained by the tenant or owner of the property on which said device is located. Application must be made to the City Clerk prior to the installation or location of said device.

(2) Said license shall be issued for a period of one year, expiring on April 30 of each year.

(3) Said device must be located entirely on private property, appropriately screened, and may not encroach upon or block a public way. No device may be located upon, or in front of Main Street frontage(s), unless located fully within an enclosed building. Main Street frontage shall be defined as the side or sides of a building that are parallel to and facing Main Street or any side street within one block of Main Street. Said frontage shall not include Commerce Street or the side or sides of a building perpendicular to Main Street for a distance greater than 25 feet from the curbline of Main Street, unless that side of the building fronts a restricted side street, as outlined above.

(4) Said license fee for such coin-operated device or such video gaming terminal shall be set by the City Council from time to time. Each licensee and/or video gaming terminal operator shall pay the annual fee for each video gaming terminal operated.

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

(6) The city may deny the license application on grounds of failure to pay taxes, failure to cooperate with authorities, failure to apply for a license before installation, previous suspension or revocation or other just cause.

(C) *License must be affixed to device.* Said license shall be securely affixed to the licensed device in a conspicuous location that is visible at all times.

(D) *Exemptions.* Said coin-operated device license shall not be required for the display or sale of antique or collectible coin-operated devices, or devices displayed for aesthetic purposes only, provided that no goods or services are dispensed during said display, nor shall said license be required of devices intended for personal use and located wholly within a private residence, nor shall said license be required of devices for the dispensing of health or hygiene products when located within a restroom. In addition, said license shall not apply to pay telephones, nor shall it apply to bank automated teller machines.
('69 Code, § 12-15) (Ord. O-92-5, passed 4-27-92; Am. Ord. O-07-31, passed 12-26-07; Am. Ord. O-10-07, passed 3-22-10; Am. Ord. O.21.18, passed 12-28-21) Penalty, see § 110.99

§ 110.46 FIREARMS, WEAPONS OR MUNITIONS DEALER.

(A) *License required.* It shall be unlawful to sell, cause to sell, offer for sale, or otherwise trade firearms, munitions, or other weapons, without first obtaining a license as provided for herein.

(B) *Licensing requirements.*

(1) Application for a license must be made to the City Clerk prior to commencing sales and/or trading of weapons. Said license shall be issued for a period of one year, expiring on April 30 of each year. License fee shall be paid at time of application.

(2) The City Clerk or Mayor may request a background check of applicant, to be performed by the Police Department, before issuing a firearms license.

(3) Said applicant must agree to abide by all other state and federal firearms, and/or weapons regulations, and failure to abide by said regulations shall be considered a violation of this chapter.

(4) The city may deny the license based upon grounds of failure to pay taxes, failure to cooperate with authorities, failure to acquire a license before commencing sales, failure to abide by all other regulations pertaining to said license, or other just cause.

(5) Said license fee shall be set at $50 per year.

(C) *License must be conspicuously posted.* Said license shall be posted in a conspicuous location within the premises of the dealer's business, near the point of business transactions.
('69 Code, § 12-16) (Ord. O-92-5, passed 4-27-92) Penalty, see § 110.99

§ 110.47 PAWNBROKERS.

It shall be unlawful to carry on the business of pawnbroker in the city, or to loan money upon deposit of personal or valuable property, or to deal in purchasing personal or valuable property on condition of selling the same back at a stipulated price.
('69 Code, § 12-17) (Ord. O-92-5, passed 4-27-92) Penalty, see § 110.99

§ 110.48 EXPOSITION AND CONVENTION CENTERS.

(A) *Licenses.* A convention center license shall be required only for convention centers that hold or sponsor flea markets, garage sales, fairs, festivals, carnivals, farmer's markets, or sales events involving sales by hawkers, peddlers, itinerant merchants, itinerant vendors or similar merchandisers.

(1) Convention centers requiring a license must secure a license as set forth in § 110.15.

(2) Subject to licensure, each exposition and convention center owner shall pay, as set forth in § 110.21(N), an annual fee to the city of $250 for each such center owned within the municipal limits.

(3) Except as otherwise provided herein, each license may be renewed upon proper application and payment of the required fee. The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting a new license.

(B) *Convention centers.*

(1) Except as authorized herein and as provided for in §§ 110.35 and 110.36, it shall be unlawful to hold, sponsor or cause to be held a flea market, garage sale, fair, festival, carnival, circus, farmer's market; or sales event involving sales by hawkers, peddlers, itinerant merchants or itinerant vendors or similar merchandisers at convention centers.

(2) Under no circumstances shall this section allow for the sale of junk or the transaction of business by junkers.

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 distributers, 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 beer, wine, and alcoholic liquor 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 $400 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.

(O) Class "O-1" license shall be known as the distillery pub license. It shall authorize a craft distiller possessing a Class "O" craft distiller license to operate a distillery pub at a location in the city separate from the location of the craft distillery. The distillery pub is not required to distill at the distillery pub location. The distillery pub license shall allow the licensee to sell all alcoholic liquors, including beer, wine and spirts, including those spirits distilled at the location specified on the Class "O" license, at retail for consumption on the premises, or in packaged form for consumption off the premises. A pub distillery 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.

(Q) Class "Q" license shall authorize the retail sale of beer and wine at a performing arts venue or art gallery, operated by a not-for-profit corporation, for consumption on the premises and only in conjunction with and incidental to a theatrical performance, an art reception, a musical event or similar special gathering. A permanent bar with seating shall not be permitted under the Class "Q" license. Packaged sales are not permitted. The licensee shall be authorized to sell beer and wine between the hours of 12:00 noon and 10 p.m. The annual license fee shall be set by the City Council from time to time.

(R) Class "R" license shall authorize the retail sale of beer and wine only, for consumption on the specified premises, as a secondary and accessory use to a principal salon/day spa business, to customers receiving services from the salon/day spa. Customers shall not be served beer or wine except for the period of time during which the customer receives sale/day spa services from the license holder and shall not be served more than three alcoholic beverages during such period of time. Any customers receiving massage therapy, or services involving the manipulation of the soft tissue of the body, shall not be served or consume alcoholic beverages on the premises. No sign or any other external indicia shall be permitted on the specified premises or surrounding property that indicates that alcoholic liquor is available for retail sale at the specified premises. Hours for the sale and/or consumption of beer and wine shall be the same as the operating hours of the salon/day spa, and in no case earlier than 7:00 a.m. or later than 7:00 p.m.

('69 Code, § 3-9) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-92-26, passed 7-27-92; Am. Ord. O-94-14, passed 8-8-94; Am. Ord. O-95-25, passed 5-8-95; Am. Ord. O-97-07, passed 12-8-97; Am. Ord. O-99-10, passed 6-28-99; Am. Ord. O-00-08, passed 3-13-00; Am. Ord. O-00-09, passed 3-27-00; Am. Ord. O-00-10, passed 3-27-00; Am. Ord. O-02-19, passed 7-8-02; Am. Ord. O-05-31, passed 9-26-05; Am. Ord. O-06-08, passed 4-24-06; Am. Ord. O-10-06, passed 3-8-10; Am. Ord. O-11-01, passed 1-10-11; Am. Ord. O-11-04, passed 1-10-11; Am. Ord. O-11-15, passed 5-23-11; Am. Ord. O-11-19, passed 6-27-11; Am. Ord. O-12-02, passed 3-12-12; Am. Ord. O-12-19, passed 8-27-12; Am. Ord. O-12-29, passed 12-26-12; Am. Ord. O-13-03, passed 3-25-13; Am. Ord. O-13-12, passed 6-24-13; Am. Ord. O-17-09, passed 7-10-17; Am. Ord. O-17-10, passed 7-10-17; Am. Ord. O.18.13, passed 8-27-18; Am. Ord. O.19.04, passed 3-26-19; Am. Ord. O.19.08, passed 6-11-19; Am. Ord. O.21.10, passed 5-10-21)

§ 111.21 PAYMENT OF FEES.

All fees for such licenses shall be paid to the Liquor Commissioner or his or her 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 ten 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" and two Class "O-1" licenses issued. There shall be no more than two Class "P" licenses issued. There shall be no limitation on the number of Class "D," "E," "K," "L," "M" or "Q" licenses issued. There shall be no more than three Class "R" licenses issued.
('69 Code, § 3-12) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-90-08, passed 4-9-90; Am. Ord. O-93-04, passed 1-25-93; Am. Ord. O-92-15, passed 6-8-92; Am. Ord. O-97-08, passed 12-12-97; Am. Ord. O-02-01, passed 1-14-02; Am. Ord. O-05-30, passed 8-22-05; Am. Ord. O-11-19, passed 6-27-11; Am. Ord. O-12-19, passed 8-27-12; Am. Ord. O-12-29, passed 12-26-12; Am. Ord. O-17-09, passed 7-10-17; Am. Ord. O.19.08, passed 6-11-19; Ord. O.19.10, passed 6-25-19; Am. Ord. O.20.03, passed 2-11-20; Am. Ord. O.21.10, passed 5-10-21)

§ 111.23 DISPOSITION OF FEES.

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

§ 111.24 LIST OF LICENSES ISSUED.

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

§ 111.25 TRANSFER OF LICENSES.

A license shall be purely a personal privilege, good for not to exceed one year after issuance, unless sooner revoked as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of testate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the annual license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.
('69 Code, § 3-23) (Ord. O-71-3, passed 4-12-71; Am. Ord. O-11-15, passed 5-23-11)

§ 111.26 RENEWAL OF LICENSE.

Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Liquor Control Commissioner from decreasing the number of licensees to be issued within his jurisdiction.
('69 Code, § 3-24) (Ord. O-71-3, passed 4-12-71)

§ 111.27 CHANGE OF LOCATION.

A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permission to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this state and the ordinances of the city.
('69 Code, § 3-25) (Ord. O-71-3, passed 4-12-71)
Penalty, see § 111.99

§ 111.28 REVOCATION, SUSPENSION OF LICENSE.

The Mayor may suspend for not more than 30 days (ILCS Ch. 235, Act 5, § 4-4) or revoke for cause any liquor dealer's license for any violation of any provision pertaining to the sale of alcoholic liquor, as provided and in the manner provided in ILCS Ch. 235, Act 5, § 7-5.
('69 Code, § 3-32) (Ord. O-71-3, passed 4-12-71)

§ 111.29 NEW CONSTRUCTION.

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

CHAPTER 120: MOTORIZED VEHICLES FOR HIRE

Section

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TAXICABS

§ 120.01 DEFINITIONS FOR TAXICABS.

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

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

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

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

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

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

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

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

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

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

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

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

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

VEHICLE FOR HIRE. A vehicle providing shared transportation which transports one or more passengers between locations of the passengers' choice, or close to it.

WAITING TIME. The time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers.
(Ord. O-14-15, passed 10-27-14; Am. Ord. O.20.06, passed 3-11-20)

§ 120.02 EXEMPTIONS.

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

§ 120.03 TAXIMETER REQUIRED.

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

§ 120.04 POSTING OF RATES.

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

§ 120.05 MANIFESTS.

(A) *Use required.* Every driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and

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

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

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

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

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

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

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

(a) The City Council may deny, suspend, or revoke a taxicab driver's permit for good cause, including, but not limited to, any of the following:

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

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

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

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

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

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

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

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

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

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

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

(11) *Reporting requirements.* If suspension, revocation, or any other disciplinary action is taken against a taxicab driver's State of Illinois driver's license or equivalent license issued by another state, the taxicab driver must report such action to the City Clerk's office.
(Ord. O-14-15, passed 10-27-14)

TRANSPORTATION NETWORK COMPANY (TNC) SERVICES

§ 120.20 LICENSE FEE.

The license fee for the transportation network company (TNC) annual license shall be $500. This fee may be modified from time to time by the City Council.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.21 DEFINITIONS FOR TRANSPORTATION NETWORK COMPANY SERVICES.

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

TRANSPORTATION NETWORK COMPANY OR TNC. A licensed entity operating in the City of Galena pursuant to state and city requirements that uses a digital network or software application service to connect passengers to transportation services arranged by the passenger using the TNC's digital network. A TNC is not deemed to own, control, operate, or manage the vehicles used by TNC drivers and is not a taxicab association or for-hire vehicle owner.

TRANSPORTATION NETWORK COMPANY AGENT, TRANSPORTATION NETWORK AGENT, OR TNC AGENT. Any person who represents the TNC in financial matters and operates a place of business on behalf of the TNC in the city. An agent is not required to be a driver.

TRANSPORT NETWORK COMPANY DRIVER OR TNC DRIVER. An individual who operates a motor vehicle that the individual owns, leases, or is otherwise authorized to use to provide TNC services.

TRANSPORTATION NETWORK COMPANY SERVICES OR TNC SERVICES. The transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a digital network or software application provided by the TNC. TNC services shall begin when a TNC driver accepts a transportation request received through the TNC's digital network or software application. Services continue through the transportation of the passenger and end when the passenger has completely exited the TNC driver's vehicle. This service is not a taxicab as defined by the Galena Code of Ordinances.

TRANSPORTATION NETWORK COMPANY VEHICLE, TRANSPORTATION NETWORK VEHICLE, OR TNC VEHICLE. Any motor vehicle used in the performance of TNC services.
(Ord. O-20.06, passed 3-11-20; Ord. O.20.13, passed 7-13-20)

§ 120.22 TRANSPORT NETWORK PROVIDER LICENSE.

(A) No person shall engage in a transportation network provider business in the city without a transportation network provider license issued pursuant to this section.

(B) In order to qualify for a transportation network company license, whether upon initial application or upon application for renewal of a license:

(1) An applicant shall be in compliance with all applicable city, State of Illinois and federal laws.

(2) An applicant shall have a place of business where the city may send, and the licensee shall accept, notices of hearing or other notices from the city and the licensee maintains its business and financial records relating to its license.

(C) The TNC operating within the city shall submit an application to the City Clerk with an application fee as established by the City Council. The application shall include the following information:

(1) If the license applicant is an individual:

(a) The individual's full name, social security number, residence address, business, business e-mail address and business telephone number.

(b) Proof that the applicant is at least 19 years of age.

(2) If the license applicant is a corporation:

(a) The corporate name, business address and telephone number of the applicant.

(b) The date and state of incorporation.

(c) The full names, titles, residence addresses, e-mail addresses and telephone numbers of its corporate officers, and of its authorized agent.

(d) Proof via affirmation that all corporate officers are at least 19 years of age.

(e) Proof that the corporation is in good standing under the laws of the State of Illinois and the City of Galena.

(3) If the license applicant is a partnership or limited liability company:

(a) The name, business address or principal office address and telephone number of the applicant.

(b) The full names, residence addresses, e-mail addresses and telephone numbers of:

1. The three members who own the highest percentage interests in such partnership or limited liability company.

2. The general partner of a partnership.

3. The managing member of a limited liability company.

4. The applicant's authorized agent.

5. Any other member who owns a 25% or more interest therein.

(c) The full name, addresses, e-mail address and telephone number of a person authorized to receive notices issued pursuant to this section.

(d) Proof via affirmation that all persons, partners, managers, managing members and members, as applicable, are at least 19 years of age.

(D) In addition to the license application requirements listed in division (A), a transportation network company licensee shall provide to the City Clerk within five business days upon written request the applicant's insurance policies as provided in § 120.13.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.23 INSURANCE.

(A) TNCs and participating drivers shall comply with the automobile liability insurance requirements of ILCS Ch. 65, Act 57, § 10.

(B) Any participating TNC driver shall provide to any authorized law enforcement officer, in addition to any applicable insurance, proof of the insurance policies required by this section in case of an accident involving a TNC driver while he is operating his vehicle as a part of the TNC.

(C) Proof of insurance meeting the standards described in this section shall be provided by the license applicant to the City Clerk before any issuance of a license to operate a transportation network company.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.24 DRIVER REQUIREMENTS.

(A) Prior to permitting an individual to act as a TNC driver on its digital network or software application, the TNC shall:

(1) Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC.

(2) Conduct, or have a third part conduct, a local and national criminal history background check for each individual applicant that shall include the National Sex Offenders Registry database.

(3) Obtain and review a driving history report for the applicant.

(B) A TNC shall not permit an individual to act as a TNC driver on its digital network or software application unless such person:

(1) Is at least 19 years of age.

(2) Submitted to a local and national criminal history background check for each individual applicant that shall include:

(a) Multi-state or multi-jurisdictional criminal records locator or other similar commercial nationwide database with validation (primary source search).

(b) National Sex Offenders Registry database.

(c) Obtain and review a driving history research report for the individual.

(3) Has a valid driver's license. A restricted driver's permit issued following the suspension or revocation of a driver's license shall not be considered a valid and properly classified driver's license for the purposes of this division (B).

(4) Had a valid driver's license for at least one year prior to the date of application.

(5) Has not been convicted of, or placed on supervision by a court for more than three offenses against the traffic regulations governing the movement of vehicles within two years of the date of application.

(6) Does not have more than three moving violations in the prior three-year period.

(7) Has not been convicted of or placed on supervision:

(a) At any time for:

1. Murder, including but not limited to manslaughter and reckless homicide;

2. Sexual assault, including but not limited to rape and sexual battery;

3. Sexual crimes against minors, including but not limited to possession or distribution of child pornography and indecent solicitation of a child;

4. Kidnapping, including but not limited to human trafficking and child abduction;

5. Terrorism, including but not limited to providing material support to terrorists and other acts of war; or

6. Acts of violence involving the use of a deadly weapon.

(b) Within the last seven years for: reckless driving, driving under the influence of intoxicating liquor or drugs, drag racing, fleeing or attempting to elude a police officer, leaving the scene or failure to report an accident involving death or injury, fraud, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, assault, battery.

(8) Has not had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license).

(9) Is not required to register as a sex offender, pursuant to ILCS Ch. 730, Act 150, § 3 and has never been adjudicated as a sexually dangerous person.

(10) Possesses proof of registration for the motor vehicle used to provide TNC services.

(11) Possesses proof of automobile liability insurance for the motor vehicle used to provide TNC services.

(12) Has not had a taxicab driver's license or access to a TNC or taxi corporation's platform revoked for cause within three years of the date of application.

(13) Has not knowingly furnished false or misleading information or withheld relevant information on such application or caused or permitted another to furnish or withhold such information on his/her behalf.

(C) A picture of the TNC driver, the driver's license plate number, and a description of the motor vehicle, including wheel-chair accessibility, used for TNC services shall be displayed on the digital network or software application for viewing by a passenger.

(D) A TNC vehicle operated by a driver affiliated with a TNC licensed by another jurisdiction may come into the city to discharge passengers whose trip originated outside the city.

(E) A TNC driver shall not be restricted to participating in services from a single TNC. A TNC driver shall be allowed to provide services for multiple TNCs.

(F) A TNC driver shall not provide TNC services for more than 12 hours on any calendar day and must take a minimum uninterrupted break of six hours for every 12 hours the driver is active to provided services, whether or not the driver actually drove for 12 hours during the active service period. (Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.25 TRANSPORT NETWORK COMPANY VEHICLE INSPECTIONS AND REQUIREMENTS.

(A) The TNC shall require that any motor vehicle that a TNC driver will use to provide TNC services meets vehicle safety and emissions requirements for a private motor vehicle in this State of Illinois.

(B) A TNC driver shall identify his or her TNC vehicle at all times while offering TNC services with the city through display of consistent and distinctive trade dress (i.e., distinctive signage, emblem or display on the vehicle). The trade dress must be sufficiently large, and color contrasted as to be readable during daylight hours at a distance of 50 feet or more from both in front of and in back of the vehicle. The trade dress shall be sufficient to allow a passenger, government official or a member of the public to associate a vehicle with a particular TNC.

Acceptable forms of trade dress include, but are not limited to, symbols or signs on vehicle windows, doors, roofs, trunks or grills. Magnetic or removal trade dress is acceptable.

(C) A TNC shall inform TNC drivers of the contents and requirements of this division.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.26 NON-DISCRIMINATION.

(A) The TNC shall adopt and notify TNC drivers of a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers.

(B) TNC drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(C) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

(D) A TNC shall not impose additional charges for providing services that accommodate any disability.

(E) A TNC shall allow passengers to specify any necessary disability accommodations through the TNCs digital network or software application. If a TNC has no reasonable way to accommodate such a disability, the TNC shall not be responsible to do so.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.27 SAFETY.

(A) The TNC shall implement a zero-tolerance policy on the use of alcohol and perception altering or performance impairing drugs while a TNC driver is providing TNC services or any time the TNC driver is logged into the TNC's digital network.

(B) The TNC shall provide notice of the zero-tolerance policy on its website as well as procedures to report a complaint about a driver with whom a passenger was matched and whom the passenger reasonably suspects was under the influence of alcohol or perception altering or performance impairing drugs during the course of the trip.

(C) Upon receipt of a passenger's complaint alleging a violation of the zero-tolerance policy, the TNC shall immediately suspend the TNC driver's access to the TNCs digital platform, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(D) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two years from the date that a passenger complaint is received by the TNC.

(E) TNCs or TNC drivers are not common carriers, contract carriers or motor carriers, as defined by any applicable state or city laws, nor do they provide taxicab or for-hire vehicle service.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.28 OPERATIONAL.

(A) A TNC may charge a fare for the services provided to passengers provided that, if a fare is charged, the TNC shall disclose to passengers the fare and its calculation method through its digital network or software application for the purposes of passenger calculation.

(B) Within a reasonable time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger that lists:

(1) The origin and destination of the trip.

(2) The total time and distance of the trip.

(3) An itemization of the total fare paid, if any.

(C) Dispatches for TNC services shall be made only to eligible TNC drivers under the requirements of this, subchapter.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.29 SUSPENSION OR REVOCATION.

A TNC driver may be suspended or revoked by the Chief of Police or his/her designee if:

(A) The driver has violated any of the provisions of this article regulating TNC.

(B) The driver no longer meets the requirements of § 120.24.

(C) The driver has engaged in any conduct which would constitute a criminal offense against any passenger while the licensee is acting as a TNC driver.

(D) The driver has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this division or knowingly caused or suffered another to furnish or withhold such information on his behalf.

(E) The driver has had his driver's license suspended or revoked by the Secretary of State. A restricted driver's permit issued following the suspension or revocation of a driver's license shall not be considered a valid driver's license for the purposes of this division.

(F) Prior to any suspension or revocation of a license granted under this subchapter, Chief of Police shall provide the licensee with notice and opportunity for a hearing. The notice and hearing shall at a minimum comply with the provisions of the Illinois Administrative Procedures Act, ILCS Ch. 5, Act 100, §§ 1-1 et seq.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.30 EXPIRATION.

All licenses or access to platforms authorized under this chapter shall expire one year after issuance.
(Ord. O.20.0-6, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

§ 120.31 APPEALS.

Within ten days after written notice of the revocation, suspension, or denial of issuance of a TNC provider's or driver's license, an applicant or license holder may file with the City Clerk a written notice of appeal to the City Council from such revocation, suspension, or denial. The City Council must provide the applicant or license holder with notice and an opportunity to be heard on the issue of whether the license was properly revoked, suspended, or denied.
(Ord. O.20.06, passed 3-11-20; Am. Ord. O.20.13, passed 7-13-20)

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 hearing or preliminary hearing on setting the conditions of pretrial release, or who are sexually dangerouspersons 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.

(E) A person shall not be subject to arrest under this section unless there is an underlying offense for which the person was initially subject to arrest.
(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

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

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

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

(2) Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.
(ILCS Ch. 720, Act 5, § 24-1(a), (b)) (Am. Ord. O.18.10, passed 6-11-18) Penalty, see § 130.99

Statutory reference:

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

§ 138.02 EXEMPTIONS.

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

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

(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and place of employment.

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

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

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a private security contractor, private detective, or private alarm contractor, or employee of a licensed private security contractor, private detective, or private alarm contractor agency and 28 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the private security contractor, private detective, or private alarm

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

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to that commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force registered with the Department of Professional Regulation; provided, that the security guard has successfully completed a course of study, approved by and supervised by the state Department of Professional Regulation consisting of not less than 48 hours of training which shall include theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be in compliance with this section who has completed the required 20 hours of training for a security officer and 28 hours of required firearm training and who has been issued a firearm control card by the state Department of Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Such firearm control card shall be carried by the security guard at all times when he is in possession of a concealable weapon permitted by his or her firearm control card.

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

(8) Persons employed by a financial institution as a security guard for the protection of other employees and property related to that financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by the financial institution, and who, as a security guard, is a member of a security force registered with the Department; provided that any person so employed has successfully completed a course of study, approved by and supervised by the state Department of Professional Regulation, consisting of not less than 48 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption who has completed the required 20 hours of training for a security officer and 28 hours of required firearm training and who has been issued a firearm control card by the state Department of Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card. For purposes of this division, ***FINANCIAL INSTITUTION*** means a bank, savings and loan association, credit union, or company providing armored car services.

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

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

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

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

CHAPTER 151: HISTORIC PRESERVATION

Section

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GENERAL PROVISIONS

§ 151.01 DESIGNATED AREAS; MAP.

(A) All areas, places, buildings, structures, works of art and other objects individually and collectively, whether owned or controlled privately or by any public body located within the part of the city designated on the official City of Galena Zoning Map labeled as "Historic District" are hereby designated as areas, places, buildings, structures, works of art or other objects having a special historical, architectural, community or aesthetic interest and value. This includes individually landmarked properties as outlined in Chapter 151.

(B) A map of said area designating the boundaries of said area shall at all times be kept at City Hall, Galena, Illinois and shall be designated as "Map of Galena National Historic District."
('69 Code, § 5-29) (Ord. passed 8-25-65; Am. Ord. O-72-6, passed 2-8-72; Am. Ord. O-96-02, passed 1-8-96; Am. Ord. O.20.17, passed 9-14-20)

§ 151.02 DESIGNATED AREAS TO RETAIN ORIGINAL EXTERIOR APPEARANCE.

All property within the designated areas shall retain the exterior appearance of the period in which it was built or constructed and any new construction, alterations or repairs in the designated area shall be designed and constructed with essentially the same exterior appearances as the original structure that was located on the same premises. All commercial property within the National Historic District shall retain, insofar as possible, the interior appearance of the period in which it was built and any new construction, alterations, additions, remodeling or

restoration to the interior of any commercial building shall be designed and constructed so as to give the appearance of a historic interior.
('69 Code, § 5-30) (Ord. passed 8-25-65; Am. Ord. O-96-02, passed 1-8-96)

§ 151.03 PERMIT REQUIRED FOR WORK.

No construction, alteration, demolition, or use of any real estate or improvements thereon within the area officially designated in § 151.01 shall be started, commenced, undertaken or done without first complying with the terms of the Galena Historic Preservation Ordinance.
('69 Code, § 5-31) (Ord. passed 8-25-65; Am. Ord. O-96-02, passed 1-8-96) Penalty, see § 151.99

GALENA HISTORIC PRESERVATION

§ 151.20 HISTORIC DISTRICT AND SUBDISTRICT BOUNDARIES.

(A) The boundaries of the National Historic District (NHD) shall include the part of the city designated on the official City of Galena Zoning Map labeled as "Historic District." This includes individually landmarked properties as outlined in Chapter 151.

(B) Site planning, building bulk, and other zoning requirements within the National Historic District shall be subject to the zoning guidelines as defined for the particular districts in §§ 154.110 through 154.167 of this chapter.

(C) All property within the designated areas shall retain the exterior appearance of the period in which it was built or constructed and any new construction, alterations or repairs in the designated area shall be designed and constructed with essentially the same exterior appearance as was the original structure that was located on the same premises. All commercial property within the National Historic District shall retain, insofar as possible, the interior appearance of the period in which it was built and any new construction, alterations, additions, remodeling or restoration to the interior of any commercial building shall be designed and constructed so as to give the appearance of a historic interior.
(Ord. O-97-01, passed 1-27-97; Am. Ord. O.20.17, passed 9-14-20)

§ 151.21 STANDARDS.

(A) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, or site and environment or to use a property for its originally intended purpose.

(B) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be prohibited.

(C) All buildings, structures, and sites shall be recognized as products of their own time. Changes that create a false sense of historical development, such as adding conjectural features or architectural features from other buildings, shall not be undertaken.

(D) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. Those changes that have acquired significance in their own right shall be retained.

(E) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(F) Deteriorated architectural features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of an architectural feature, the new feature shall match the old in design, color texture, and other visual qualities and where possible materials. Repair or replacement of missing architectural features should be based on accurate

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

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

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

NATIONAL HISTORIC DISTRICT. See *HISTORIC DISTRICT.*

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

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

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

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

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

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

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

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

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

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

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

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

(2) Permits necessary for compliance with a lawful order of the city, including any permit necessary to correct an immediate health or safety problem.
(Ord. O-97-01, passed 1-27-97; Am. Ord. O-06-23, passed 8-14-06) Penalty, see § 151.99

§ 151.24 GALENA HISTORIC PRESERVATION COMMISSION (GHPC).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) *Demolition of a non-historic structure.* Approval of an application for a certificate of appropriateness to demolish a non-historic structure within Historic District shall be at the discretion of the planning department and approved by the mayor. The structure in question shall be, without a reasonable doubt, built after 1930 as determined by the planning department. All supporting evidence shall be reviewed by the planning department and mayor before approval. If the date of construction cannot be determined, the certificate of appropriateness shall be reviewed by the Historic Preservation Commission as stated in § 151.24 (D)(1) through (4).
(Ord. O-97-01, passed 1-27-97; Am. Ord. O-06-23, passed 8-14-06; Am. Ord. O.18.17, passed 11-13-18; Am. Ord. O.21.11, passed 6-28-21)

§ 151.25 APPLICATION REQUIREMENTS; REVIEW AND APPROVAL.

(A) *Application.* Prior to requesting a building permit, an applicant in the Historic District shall submit an application for a certificate of appropriateness on a form provided by the city. The application shall include but not be limited to a site plan, drawn to scale showing location of proposed construction, floor plan showing existing conditions and proposed changes, elevations - all exterior views, current photographs showing all elevations of the building and existing conditions, historic photographs if available, a list of materials including product sources and color description.

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

(C) *Submission, review and approval.*

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

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

1. Painting and other related exterior maintenance.

2. Addition or deletion of awnings, shutters, canopies, and similar appurtenances.

3. Application or use of exterior materials of the same kind, type, color, or texture already in use on that structure which substantially cover one or more sides of the structure. This provision applies to roofing as well as siding.

4. Repair or replacement of existing architectural details with materials of the same kind, type, color, texture and design as those already in use on the structure.

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

(b) Types and kinds of improvements considered major:

1. Construction of a new building or auxiliary structure.

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

3. Change or alteration of a structures architectural style.

4. Alteration of a roof line.

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

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

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

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

(4) If the application is approved with conditions, the Building Official shall notify the applicant in writing and shall specify the conditions to be imposed and the reasons therefore in light of the standards and criteria of the National Historic District. If the applicant accepts all of the conditions or takes no other action, such approval, with conditions, shall be effective and a certificate of appropriateness shall issue. If the applicant notifies the Building Official in writing within 30 days of the date of such approval with conditions of his refusal to accept all of the conditions, the application shall be deemed to be denied.

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

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

(D) *Appeals and review.*

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

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

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

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

c. *Floor plan.* A floor plan of the building shall be maintained and displayed in prominent location in each vacation rental unit. The plan shall show the location of each guestroom and the exit locations to be used for such guestrooms in the event of fire. The licensee shall furnish a copy of the floor plan to the Zoning Department,

d. *Emergency telephone.* Each guest house or home shall provide a landline telephone for emergency purposes. Such phone shall be available 24 hours a day. A list of all emergency numbers shall be posted next to the telephone.

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

a. No vacation rental shall commence doing business until a guest accommodation license has been issued by the city;

b. Proof of registration with the Illinois Department of Revenue and the city for hotel/motel taxes shall be given to the Zoning Administrator within 90 days after issuance of the guest accommodation license;

c. No signs advertising the vacation rental shall be displayed on the site;

d. Each vacation rental owner shall maintain a guest register; and

e. Single-room vacation rentals shall be considered an accessory residential land use (see § 154.406(H)(9)).

6. *Application; contents.* An application for a vacation rental 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, landscaping, fencing and lighting. Pertinent elevations or perspective drawings may be requested for more accurate review of various details;

b. Photographs of the proposed vacation rental, accessory buildings and zoning lot; and

c. Floor plan of the proposed vacation rental showing all rooms and designation of room usage.

(19) *Adult-use cannabis dispensing organization.* The following components of the adult-use cannabis facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

(a) *Additional requirements to be designated in special use permit.*

1. Hours of operation and anticipated number of customers/employees.

2. Anticipated parking demand based on Table 154.601.3 and available private parking supply.

3. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

4. Proposed signage plan.

5. Compliance with all requirements provided in division (D)(19)(b)1. (Adult-Use Cannabis Dispensing Organization) as applicable.

(b) Allowable uses and detailed regulations under this division:

1. *Adult-use cannabis dispensing organization*. In those zoning districts in which an adult-use cannabis dispensing, organization may be located the proposed facility must comply with the following:

A. Facility may not be located within 1,000 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school or day care center. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this division (D)(19).

B. Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property in a residential zoning district.

C. At least 75% of the floor area of an tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act and no dispensing organization shall also sell food for consumption on the premises other than as authorized in division (D)(19)(b)1.E. below in the same tenant space.

D. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

E. Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by division (D)(19)(b)1.I. (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in § 154.919(O) of the City of Galena Zoning Code.

F. For purposes of determining required parking, said facilities shall be classified as "adult-use cannabis commercial" per Table 154.601.3 (Minimum Required Parking Spaces: Principal Commercial Uses) provided, however, that the city may require that additional parking be provided as a result of the analysis completed through § 154.924 (Special Use Permits) herein.

G. Petitioner shall file an affidavit with the city affirming compliance with division (D)(19)(b)1. as provided herein and all other requirements of the Act.

H. *Co-location of cannabis business establishments*. The city may approve the co-location of an adult-use cannabis dispensing organization with an adult-use cannabis craft grower center or an adult-use cannabis infuser organization, or both, subject to the provisions of the Act and the conditional use criteria within the City of Galena Zoning Code. In a co-location, the floor space requirements of divisions (D)(19)(b)1.C. and (G)(5)(b)1.C. shall not apply, but the co-located establishments shall be the sole use of the tenant space.

I. *Additional requirements*. Petitioner shall install building enhancements such as security cameras lighting or other improvements, as set forth in the conditional use permit to ensure the safety of employees and customers of the adult-use cannabis business establishments as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an adult-use cannabis business establishment and the site on which it is located. consistent with the requirements of the Act.

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

(1) *Storage, personal.* Personal storage facilities are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such

3. *Availability and impact of parking*. One off-street parking space for the guest room and one additional off-street parking space for the owner shall be required in all districts. The physical and aesthetic impact of off-street parking located on the lot shall not be detrimental to the existing character of the lot and the surrounding neighborhood. It shall be a priority to preserve green space. Generally, the capacity of a lot to accommodate off-street parking shall be related to the size and nature of the lot, as stated in division (H)(9)(a)(2) above. Rental of parking spaces on property other than the lot of the vacation rental shall not be allowed.

4. *Owner occupancy*. The property shall be owner-occupied when guests are present.

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

a. No vacation rental shall commence doing business until a guest accommodation license has been issued by the city;

b. Proof of registration with the Illinois Department of Revenue and the City of Galena for hotel/motel taxes shall be given to the Zoning Administrator within 90 days after issuance of the guest accommodation license;

c. No signs advertising the vacation rental shall be displayed on the site;

d. Each vacation rental owner shall maintain a guest register; and

e. A floor plan of the building shall be maintained and displayed in prominent location in the guest room. The plan shall show the location of each room and the exit locations to be used for the guest room in the event of fire. The licensee shall furnish a copy of the floor plan to the Zoning Department.

6. *Application; contents*. An application for a vacation rental 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, landscaping, fencing and lighting. Pertinent elevations or perspective drawings may be requested for more accurate review of various details;

b. Photographs of the proposed vacation rental, accessory buildings and zoning lot; and

c. Floor plan of the proposed vacation rental showing all rooms and designation of room usage.

(10) *Artisan studio*. A building or portion thereof used for the preparation, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items, as an accessory use. A studio is used by no more than three artists or artisans.

(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

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

2. Signage shall comply with the requirements for temporary signs in §§ 154.801 through 154.814.

3. Adequate parking shall be provided.

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

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

(Ord. O-05-04, passed 4-11-05; Am. Ord. O-06-32, passed 10-23-06; Am. Ord. O-07-11, passed 6-11-07; Am. Ord. O-09-14, passed 6-22-09; Am. Ord. O-12-30, passed 12-26-12; Am. Ord. O-14-01, passed 1-13-14; Am. Ord. O-13-19, passed 11-25-13; Am. Ord. O-14-05, passed 3-24-14; Am. Ord. O-14-11, passed 9-8-14; Am. Ord. O-16-19, passed 11-14-16; Am. Ord. O.19.01, passed 1-15-19; Am. Ord. O.19.15, passed 10-16-19)

§ 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

Ord. No.	*Date Passed*	*Description*
O-13-04	4-22-13	Annexing 33.71 acres in East Galena Township.
O-13-16	11-12-13	Annexing 2.20 acres, a split parcel 43-13-000-075-000.
O-15-08	4-14-15	Amending annexation agreement previously entered into for a development known as Cobblestone Crossing.
O-15-15	12-28-15	Annexing 4.08 acres (Tract 1: Route 20 West and Tract 2: 10850 Route 20 West).
O-16-08	6-13-16	Authorizing execution of amendment to annexation agreement for Gateway Park Subdivision.
O-16-11	7-25-16	Rescinding 2011 annexation agreement and Ord. O-11-22, passed 8-22-11 for The Palace Campground.
O-16-14	9-13-16	Annexing 0.717 acres in East Galena Township.
O-16-17	8-9-16	Annexing 31.88 acres of territory on US Highway 20 on the west side of the Galena River in Rawlins Township commonly known as the Palace Campground.
O-16-18	8-9-16	Annexing agreement with Patrick McCarthy and Kristine McCarthy for a 31.88 acre parcel commonly known as the Palace Campground.
O.17.12	9-25-17	Annexing 0.57 acres in East Galena Township, commonly known as 9538 U.S. Highway 20 West.
O.18.07	3-26-18	Annexing 20.84 acres in Rawlins Township, consisting of two parcels, of 4.458 and 16.382 acres, owned by Donald Wienen.
O.20.14	8-24-20	Authorizing execution of an annexation agreement with Ramonalisa LLC for the Grant Hills Motel.
O.20.15	8-24-20	Annexing 3.5 acres in East Galena Township.

Ord. No.	*Date Passed*	*Description*
O.21.17	12-28-21	Authorizing execution of an annexation agreement with John Wilson and Rosean Schromen.

TABLE II: DEDICATIONS

Ord. No.	*Date Passed*	*Description*
O-96-11	7-8-96	Accepting the dedication of the property located on the south corner of Washington Street and Division Street and legally described as Lot 16, Block 61 of Hempstead's Sublots
O-00-03	2-14-00	Providing for the dedication of streets, sewer and water distribution system of the Shadow Bluff Development to the city.
O-00-15	6-26-00	Providing for the dedication of streets, sewer and water distribution system from the Chains and Links Subdivision to the city.
O-01-12	6-25-01	Providing for the dedication of Technical Drive (including its water, sewer, and storm water distribution systems) to the city.
O-01-14	7-9-01	Providing for Chains and Links, Inc.'s dedication of Maiden Alley to the city.
O-02-36	12-23-02	Accepting the dedication of Oldenburg Lane including the sewer mains, lift station, water mains and storm water systems located thereon.
O-07-28	10-13-07	Dedicating the right-of-way, part of Lot 1 of Chains and Links Subdivision Number 2, as an extension of Technical Drive.
O-15-14	12-14-15	Accepting the dedication of the public streets, sanitary sewer system, water distribution system, and storm water system in the Cobblestone Crossing Subdivision.
O.19.02	1-29-19	Accepting the dedication of the public streets, sanitary sewer system, water distribution system, and storm water system in the Gateway Park Subdivision.

Ord. No.	*Date Passed*	*Code Section*
O.19.11	7-9-19	Accepting the dedication of the public streets, sanitary sewer system, water distribution system, and storm water system in the Timp's Subdivision—Phase 2.
O.19.20	12-10-19	Accepting the dedication of the public streets, sanitary sewer system, water distribution system, and storm water system in Unit 3 of the Galena Scenic Meadows Subdivision.
O.20.21	10-26-20	Accepting ownership by dedication of the sanitary sewer system in the Gateway Park Subdivision.

TABLE VI: REAL ESTATE TRANSACTIONS

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

Ord. No.	*Date Passed*	*Description*
O-16-15	10-12-16	Authorizing the sale of municipally owned real estate for the City of Galena.
O-16-24	12-13-16	Authorizing the sale of certain personal and real property known as the Coatsworth Property, owned by the city.
O-17-05	5-23-17	Authorizing the sale of municipally owned personal property.
O.18.11	7-9-18	Approving the purchase of real estate, being a 30,000 square foot parcel owned by Joseph Meyer Associates, a trustee for Jo Daviess County, located East of Galena River Block 11, Lots 10, 11, 12, and pt Lot 9.
O.19.06	4-23-19	Accepting the donation of Lot 5-b and Lot 6 of the Gateway Park Subdivision.
O.22.01	1-10-22	Declaring the necessity of use and authorizing the transfer of property for the benefit of the City of Galena and the Galena Unit 120 School District.

TABLE VII: VACATIONS

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

Ord. No.	*Date Passed*	*Description*
O-03-10	4-28-03	Vacation of a 30-foot by 160-foot section of Meeker Street adjacent to Lot 3 in Block 22 on the west side of the Galena River.
O-04-21	9-27-04	Vacation of part of High Street in HH Gear's Addition.
O-05-06	4-11-05	Vacation of a portion of South Prospect Street on the west side of the Galena River.
O-07-27	11-12-07	Vacation of a portion of Locust Street.
O-08-15	9-8-08	Vacation of a portion of Jefferson Street.
O-09-04	2-23-09	Vacation of a portion of South Prospect Street.
O-09-16	7-27-09	Vacation of an alley intersecting with Dodge Street.
O-10-25	11-8-10	Vacation of a portion of Harrison Street.
O-10-26	12-13-10	Vacation of a portion of High Street.
O-11-08	2-28-11	Vacation of a part of High Street in HH Gear's Addition to the city.
O-12-18	8-27-12	Vacation of a portion of an unnamed alley between S. High and S. Dodge Streets.
O-13-13	11-25-13	Vacation of a part of Branch Street, Elm Street, Slaughter Street, and an unnamed right-of-way.
O-14-14	10-27-14	Vacation of a portion of Third Street.
O-15-01	1-26-15	Vacation of a portion of Ridge Street.
O-16-06	5-9-16	Vacation of a portion of Gardner Street.
O.18.15	9-10-18	Vacation of a portion of Franklin Street.
O.19.19	12-10-19	Vacation of a portion of Morel Court.
O.21.02	1-11-21	Vacation of a portion of Dell Street.
O.21.15	12-13-21	Vacation of a portion of Jefferson Street.

Ord. No.	*Date Passed*	*Description*
O.19.05	4-23-19	Zoning map amendment
O.19.14	10-16-19	Zoning map amendment
O.19.22	12-24-19	Zoning map amendment
O.20.12	6-8-20	Zoning map amendment
O.20.16	8-24-20	Zoning map amendment
O.21.13	10-25-21	Zoning map amendment
O.21.19	12-28-21	Zoning map amendment

Ord. No.	*Date Passed*	*Description*
O.17.13	9-25-18	Authorizing the sale of municipally owned personal property, being 30 wood, collapsible, round, banquet tables.
O.17.17	12-11-17	Levying taxes for all corporate purposes for the city for the fiscal year beginning May 1, 2018 and ending April 30, 2019.
O.18.01	1-22-18	Abating certain taxes heretofore levied by the city for the 2010 sewer bonds.
O.18.02	1-22-18	Abating certain taxes heretofore levied by the city for the 2012A bonds.
O.18.03	1-22-18	Abating certain taxes heretofore levied by the city for the 2012B bonds.
O.18.04	1-22-18	Abating certain taxes heretofore levied by the city for the Palace Campground.
O.18.09	5-14-18	Authorizing the sale of municipally owned personal property, being aerial ladder truck, and four hanging interior light fixtures.
O.18.20	11-26-18	Authorizing the city to borrow funds from the Public Water Supply Loan program.
O.18.21	12-11-18	Levying taxes for all corporate purposes for the city for the fiscal year beginning May 1, 2019 and ending April 30, 2020.
O.18.22	12-27-18	Abating certain taxes heretofore levied by the city for the 2010 sewer bonds.
O.18.23	12-27-18	Abating certain taxes heretofore levied by the city for the 2012A bonds.
O.18.24	12-27-18	Abating certain taxes heretofore levied by the city for the 2012B bonds.
O.18.25	12-27-18	Abating certain taxes heretofore levied by the city for the Palace Campground.
O.19.09	6-25-19	Authorizing the sale of municipally owned personal property, being City Hall computer equipment, Police Department vehicle equipment, and pool equipment.

Ord. No.	*Date Passed*	*Code Section*
O.19.16	10-16-19	Authorizing the sale of municipally owned personal property, being a pickup truck and dump truck.
O.19.17	10-16-19	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O.19.21	12-10-19	Levying taxes for all corporate purposes for the city for the fiscal year beginning May 1, 2020 and ending April 30, 2021.
O.20.02	1-14-20	Authorizing the sale of municipally owned property, being miscellaneous construction material.
O.20.07	3-24-20	Abating certain taxes heretofore levied by the city for the 2010 sewer bonds.
O.20.08	3-24-20	Abating certain taxes heretofore levied by the city for the 2012A bonds.
O.20.09	3-24-20	Abating certain taxes heretofore levied by the city for the 2012B bonds.
O.20.11	4-27-20	Abating certain taxes heretofore levied by the city for the Palace Campground.
O.20.19	10-13-20	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O.20.23	11-23-20	Levying taxes for all corporate purposes for the city for the fiscal year beginning May 1, 2021 and ending April 30, 2022.
O.21.01	1-11-21	Authorizing the city to borrow funds from the Public Water Supply Loan Program.
O.21.03	3-8-21	Authorizing the sale of municipally owned personal property.
O.21.05	3-22-21	Abating certain taxes heretofore levied by the city for the 2020 bonds.
O.21.06	3-22-21	Abating certain taxes heretofore levied by the city for the 2012A bonds.

Ord. No.	*Date Passed*	*Description*
O.21.07	3-22-21	Abating certain taxes heretofore levied by the city for the 2012B bonds.
O.21.08	3-22-21	Abating certain taxes heretofore levied by the city for the Palace Campground.
O.21.12	10-12-21	Authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement.
O.21.14	11-22-21	Levying taxes for all corporate purposes for the city for the fiscal year beginning May 1, 2022 and ending April 30, 2023.
O.21.16	12-13-21	Authorizing the city to borrow funds from the Public Water Supply Loan Program.
O.22.02	2-28-22	Authorizing the sale of municipally owned personal property.
O.22.03	3-14-22	Approving an electric franchise for Jo Carroll Energy.
O.22.04	3-14-22	Abating certain taxes heretofore levied by the city for the 2020 bonds.
O.22.05	3-14-22	Abating certain taxes heretofore levied by the city for the 2012A bonds.
O.22.06	3-14-22	Abating certain taxes heretofore levied by the city for the 2012B bonds.
O.22.07	3-14-22	Abating certain taxes heretofore levied by the city for the Palace Campground.

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