MUNICIPAL CODE
City of
MACOMB, ILLINOIS

Codified through
(Supp. No. 39)

MUNICIPAL CODE
CITY OF
MACOMB, ILLINOIS

GENERAL ORDINANCES OF THE CITY

Published in 1992 by Order of the City Council

Adopted September 20, 1993
Effective September 21, 1993

OFFICIALS
of the
CITY OF MACOMB, ILLINOIS

AT THE TIME OF THIS CODIFICATION

Thomas C. Carper
Mayor
PREFACE


Source materials used in the preparation of the Code were the 1972 Code, as supplemented through September 18, 1990. Those ordinances amendatory of the Code subsequent to September 18, 1990, through Ordinance No. 2446, adopted December 3, 1990, have also been included. The code has also been revised pursuant to the revision ordinance prepared by the city attorney's office during the summer of 1991, which changes are effectuated by the ordinance readopting this Code.

As expressed in the Adopting Ordinance, this Code supersedes all ordinances not included herein or expressly saved from repeal by the Adopting Ordinance. The Code contains
only ordinances of a general and permanent nature, prescribed for and affecting the public as a whole. Special ordinances or ordinances dealing with only a portion of the inhabitants of the city, rather than all of them, or relating to special purposes, such as ordinances levying special assessments, providing for bond issues, paving, vacating and opening specified streets, etc., are not included herein. For a more specific enumeration of the types of ordinances which are not included herein, see Section 3 of the Adopting Ordinance.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been appropriately catchlined to facilitate usage. Appropriate footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. Also, the source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code.

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the twelfth section of Chapter 20 is 20-12. Under this system, each section is identified by its chapter, and, at the same time, new sections may be inserted in their proper places, simply by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between sections 4-4 and 4-5 is desired to be added, such new sections would be numbered 4-4.1, 4-4.2, 4-4.3, respectively.

New chapters may be included in the same manner. For example, if the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way, or in the case of articles, may be placed at the end of the chapter embracing the subject and in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number shall be assigned to the new article or division.

The page numbering system used in this Code is a modern system which uses a prefix system as follows:

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A special feature of this Code is the looseleaf system of binding and supplemental servicing of the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to holders of Codes with instructions for the manner of inserting the new pages and deleting the obsolete pages. Each
such amendment, when incorporated into the Code, may be cited as a part hereof as provided in Section 4 of the Adopting Ordinance.

Keeping this publication up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference.

The general index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by city officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

The publication of this Code as originally published in 1972 was under the direct supervision of George R. Langford, President, and Thomas B. Calhoun, Editor, of the Municipal Code Corporation, Tallahassee, Florida. This republication was under the direct supervision of James S. Vaught, Supervising Editor, and Connie Timmons, Code Editor. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Bruce J. Biagini, former City Attorney, and Mr. James D. Lee, current City Attorney, for their cooperation and interest during the progress of the work on the republication of this Code.

This Code is presented for the use and benefit of the citizens of the City of Macomb, Illinois.

Adopting Ordinance
Ordinance No. 2589

An Ordinance Adopting, Revising and Enacting a New Code of Ordinances for the City of Macomb, McDonough County, Illinois; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for the Manner of Amending Such Code; and Providing When the Code Shall Become Effective.

Whereas, the City of Macomb, McDonough County, Illinois (the "City") has previously enacted a code of ordinances for the City as the Municipal Code of Macomb, Illinois, adopted on April 5, 1972 and effective as of May 25, 1972 and;

Whereas, the Municipal Code of Macomb, Illinois has been revised and supplemented on many occasions since its enactment, and;

Whereas, the City Council of the City (the "Council") hereby determines that it is in the best interests of the City and the citizens of the City that the Municipal Code of Macomb,
Illinois be recodified and reenacted, and;

Whereas, the City has arranged with Municipal Code Corporation of Tallahassee, Florida (the "Publisher"), to republish a new code of ordinances for the City in book form, and;

Whereas, the City has received the new code book from the Publisher, and;

Whereas, the various department superintendents, administrative officials and staff of the City have reviewed the new code book and found the book to be acceptable, and;

Whereas, the City has authority under Division 2 of Article 1 of the Illinois Municipal Code to enact general ordinances, to prescribe penalties for the violation of ordinances, to revise ordinances and to publish ordinances in book form, and;

Whereas, the Council now desires to reenact, recodify and republish the Municipal Code of Macomb, Illinois.

Now, Therefore Be It Ordained by the City Council of the City of Macomb, McDonough County, Illinois as follows:

Section 1. Adoption of New Code of Ordinances. That certain code of ordinances entitled Municipal Code of Macomb, Illinois (the "Code") as published by Municipal Code Corporation in 1992 is hereby adopted and enacted as the official code of ordinances for the compilation of certain ordinances of a general and permanent nature, enacted by the City, as therein compiled, consolidated, revised and codified, which Code shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed and approved by the Council and Mayor on or before February 1, 1993, except such ordinances as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

Section 2. Repealer. All ordinances of a general and permanent nature of the City, enacted on final passage on or before February 1, 1993, and not included in the Code, or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of the Code, except as hereinafter provided.

Section 3. Saving Clause. The repeal provided for in Section 2 of this ordinance shall not affect any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established, vested or accruing before the effective date of such Code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or any contract or obligation assumed by the City.

(3) Any contract approved or right or franchise granted by any ordinance of the City;

(4) Any ordinance dedicating, accepting the dedication of, naming, establishing, locating, relocating, opening, paving, widening, or vacating any street, alley, public way, public park or public place in the City;
Any appropriation or budget ordinance;

Any ordinance levying, abating, or imposing, or limiting taxes or special assessments, or authorizing tax fund transfers not inconsistent with such Code;

The zoning ordinance, subdivision ordinance, building, safety and land use codes or any amendments thereto, including ordinances changing zoning classifications and granting variances and special uses;

Any ordinance establishing, prescribing or changing street grades in the City, or prescribing the datum plan for the City;

Any ordinance providing for local improvements and assessing taxes therefor;

Any ordinance dedicating or accepting any plat or subdivision in the City;

Any ordinance extending or contracting the boundaries of the City;

Any ordinance prescribing the number, classification, or compensation of any City officers or employees, not inconsistent herewith;

Any ordinance declaring certain property to be a public nuisance and authorizing procedures for the demolition of same;

Any ordinance adopted by reference by any provision of this Code or any amendments to such ordinances;

Any ordinance establishing fire lanes on private property;

Any temporary or special ordinance, including intergovernmental agreements;

Any ordinance fixing sewer connection charges or other special service fees for specific areas, or any license fees, permit fees or other governmental impositions of similar import;

Any ordinance respecting conveyance or acceptance of real property or easements in real property;

Any ordinance concerning the sale of alcoholic liquors and beverages;

Any administrative ordinances or resolutions of the Mayor and Council not in conflict with or inconsistent with the provisions of this Code;

Any election ordinance;

Any ordinance enacted after February 1, 1993.

Section 4. Revival of Prior Ordinances. The repeal provided in Section 2 of this Ordinance shall not be construed to revive any ordinance, or part thereof, that has been repealed by a subsequent ordinance which is repealed by this ordinance.
Section 5. Addition and Amendments to the Code. Any and all additions or amendments to the Code, when passed in such form as to indicate the intention of the Mayor and Council to make the same a part of the Code, shall be deemed to be incorporated into the Code, so that reference to the Municipal Code of Macomb, Illinois, or other designation or similar import, shall be understood and intended to include all such additions or amendments.

Section 6. Amendment of Ordinances Codified. Any ordinance adopted after February 1, 1993, that amends or refers to an ordinance that has been codified in the Code, shall be construed as if it amends or refers to like provisions of the Code.

Section 7. Penalty. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code, or any ordinance, rule or regulation adopted or issued in pursuant thereof, shall be punished by a fine of not less than $25.00 nor more than $500.00. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue any other remedy available to it, in law or equity, including but not limited to the abatement of any nuisance, issuance of a temporary restraining order or preliminary or permanent injunction, request for declaratory judgment, issuance of a writ a mandamus, ejectment, quo warranto, replevin or other extraordinary remedy, or revocation of any license or permit.

Section 8. City Clerk of [to] Maintain Copy of Code. The City Clerk is directed to maintain on file in her office a copy of the Code in looseleaf form. It shall be the express duty of the City Clerk, or someone authorized by the City Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the Mayor and Council to make the same a part of the Code when such amendments or ordinances have been printed or reprinted in page form, and to extract from the Code all provisions which may from time to time be repealed by the Mayor and Council. The copy of the Code so designated in this section shall be kept on file and available for public inspection at all times when such City Clerk's office is open to transact business.

Section 9. Tampering with Code. It shall be unlawful for any person, firm, or corporation in the City to change or amend by additions or deletions, any part or portion of the Code, or to insert or delete any pages or portions thereof, or to alter or tamper with the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in Section 7 of this ordinance.

Section 10. Confirmation of Revision of Prior Ordinance. To the extent that this ordinance and the adoption and enactment of the Code cause the revision or amendment of any ordinance or prior code, such revision or amendment is hereby expressly adopted, enacted or approved.

Section 11. Conflicting Ordinances. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 12. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.
Section 13. Form of Publication. This ordinance and the Code adopted thereby shall be printed and published in book or pamphlet form by order of the Mayor and Council.

Presented this 2nd day of August, 1993.

First Reading: August 2, 1993.

Second Reading: August 16, 1993.

Passed this 20th day of September, 1993.

Approved this 21st day of September, 1993.

Recorded in the city records this 21st day of September, 1993.

Published in pamphlet form this 21st day of September, 1993.

/s/ Thomas C. Carper

Mayor

Attest:

/s/ Lucille Gibson

City Clerk

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Municipal Code will be able to gain a more complete picture of the Code's historical evolution.

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**MUNICIPAL CODE**

**Chapter 1  GENERAL PROVISIONS [1][1]**

Sec. 1-2. Rules of construction and definitions.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Municipal Code of Macomb, Illinois," and may be so cited.

(Code 1972, § 1-1)

Sec. 1-2. Rules of construction and definitions.

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 in this section 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.

Generally. 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.

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.

City. The word "city" means the City of Macomb, Illinois.

City council; council. The words "council" or "city council" mean the city council of the City of Macomb, Illinois.

Computation of time. The time within which any act provided by this Code or other
city ordinance 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 enforced in this state, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also be excluded.

**Corporate or city limits.** The term "corporate limits" or "city limits" means the legal boundaries of the City of Macomb.

**County.** The words "the county" or "this county" mean the County of McDonough in the State of Illinois.

**Delegation of authority.** Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

**Gender.** A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

**Joint authority.** All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

**May.** The word "may" is permissive.

**Mayor.** The word "mayor" means the mayor of the city.

**Month.** The word "month" means a calendar month.

**Nontechnical and technical words.** Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**Number.** A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing. The use of the plural number shall be deemed to include any single person or thing.

**Oath.** The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

**Officers generally.** Whenever any officer is referred to by title, such as "clerk," "engineer," "chief of police," etc., such reference shall be construed as if followed by the words "of the City of Macomb."

**Owner.** The word "owner," applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

**Person.** The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

**Personal property.** The term "personal property" includes every species of
property except real property.

Preceding; following. The words "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments.

Shall. The word "shall" is mandatory.

Sidewalk. The word "sidewalk" means a walk for pedestrians at the side of a street.

Signature or subscription. The word "signature" or "subscription" includes a mark when the person cannot write.

State. The words "the state" or "this state" mean the State of Illinois.

Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

Tenant or occupant. The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

This ordinance. The term "this ordinance" means this entire Code, including each and every section thereof.

Wholesale, wholesaler, etc. The term "wholesale," "wholesaler" or "wholesale dealer," unless otherwise specifically defined, 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; in writing. The term "written" or "in writing" includes any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" means a calendar year.

(Code 1972, § 1-2)


Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are
amended or reenacted.

(Code 1972, § 1-3)

Sec. 1-4. Amendments to Code.

All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or, in the case of repealed chapters, sections and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances, as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new code by the city council.

(Code 1972, § 1-4)

Sec. 1-5. Unauthorized alteration or tampering with Code.

It shall be unlawful for any person in the city to change or amend, by additions or deletions, any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.

(Code 1972, § 1-5)

Sec. 1-6. Effect of repeal of ordinances.

(a) When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

(Code 1972, § 1-6)

Sec. 1-7. Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1972, § 1-7)

(a) Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine of not less than $25.00 and not more than $750.00. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

(b) In addition to or in lieu of any fine imposed pursuant to subsection (a) of this section, any person violating an ordinance of the city may be required to perform some reasonable public service work for the benefit of the city as a penalty for such violation.

(c) In addition to or in lieu of a fine as penalty, the court may sentence a person who has been found guilty or who has entered a plea of guilt violating the ordinance as charged, to court supervision as defined under the Uniform Code of Corrections as it now exists or is hereafter amended.

(Code 1972, § 1-8; Ord. No. 2487, § 1, 1-6-92; Ord. No. 2679, § 14, 10-2-95; Ord. No. 11-29, § 2, 9-6-11)


Sec. 1-9. Officers, employees not liable to fine for failure to perform duties.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the city council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in this section creating the duty.

(Code 1972, § 1-9)

Sec. 1-10. Acts punishable under different sections.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(Code 1972, § 1-10)

Sec. 1-11. Repeal of certain ordinances.

All general ordinances of the city passed by the city council prior to the adoption of this Code are hereby repealed, excepting, however, the following ordinances which are not
hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys and other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the city; civil defense ordinances; sales tax ordinances, service tax ordinances; zoning ordinances; ordinances relating to maps, plats and subdivisions, and all special ordinances.

(Code 1972, § 1-11)

Sec. 1-12. Publication; distribution.

(a) This Code shall be printed and published in book form.

(b) All of the printed copies of this Code belonging to the city shall be deposited with the city clerk. The city clerk shall deliver one copy of this Code to the mayor and each member of the city council and copies to such other persons as the mayor and city council may direct.

(Code 1972, § 1-12)


(a) An administrative ticket (AT) is herewith defined as a courtesy ticket used in the case of certain ordinance violations in lieu of arrest.

(b) AT's may be issued for any violation of an ordinance of the city, except for violations of any ordinance comparable to those offenses specified in Supreme Court Rule 551 of Illinois Revised Statutes, as now in force or hereafter amended. AT's may be issued by police officers of the city and other local law enforcement officers, and authorized city officers including, but not limited to, building inspectors, electrical inspectors, fire inspectors, and the city code enforcement officers. These authorized city officers may issue AT's pursuant to the duties expressed in applicable sections of this Code, such as designated herein:

(1) Fire chief, or his designee, violations in Chapter 10;
(2) Public works director, or his designee, violations in Chapter 20 and in 21, Articles III and IV;
(3) Rental inspector violations in Chapter 13, Article II;
(4) Building inspector violations in Chapter 7.

(c) At the discretion of any police officer or agent of the city authorized to issue such AT's, an AT may be issued in lieu of arrest using the following procedure:

(1) The AT shall be on a ticket form prescribed by
When an AT is issued, the person accused of the violation may settle and compromise the claim as follows:

a. For all violations where the general penalty provision of this Code applies, section 1-8, or when the specific penalty provided by a Code section is less than $100.00, by payment to the office of the city clerk at an administrative fee of $100.00 within 15 days of the date of issuance, or if a violation of 15-53(b) or (c), a payment to the office of the city clerk of an administrative fee of $50.00 within 15 days of the date of issuance.

b. For any violation of the Code where the specific Code section provides for a penalty different from the general penalty provided by section 1-8 and greater than $100.00, by payment to the office of the city clerk of an administrative fee equal to the amount of the minimum fine provided for by the Code section violated with such payment to be made within 15 days of the date of issuance.

If the person accused of such violation does not settle the claim by payment of the administrative fee, within the time provided herein, a complaint or notice to appear in court will be issued for such violation and the person shall be subject to the fine and penalties set forth in the applicable provision of this Code.

Chapter 2 ADMINISTRATION [1](2)

ARTICLE I. IN GENERAL

DIVISION 1. GENERALLY

Sec. 2-1. Corporate seal.
Sec. 2-2. City datum.
Sec. 2-3. Election procedures.
Sec. 2-4. Wards.
Sec. 2-5. Fiscal year for city.
Sec. 2-6. Fiscal year for township.
Sec. 2-7. Official time.
Sec. 2-8. Powers of arrest.
Sec. 2-1. Corporate seal.

The corporate seal of the city shall be a seal which makes an impression circular in form with the following field and legend: an escutcheon containing the arms of the city with a crest maize, and the motto "Tenax et Fidelis." In the upper field of the escutcheon shall be the arms of the state, and in the lower field a star in glory between two sheaves of wheat, and an open book at the base. The legend shall be "City of Macomb, Illinois, Incorporated 1856."

(Code 1972, § 2-1)

Custody of city seal, § 2-156.

Authority to have and describe seal, Ill. Rev. Stat. ch. 24, ¶ 2-2-12.

Sec. 2-2. City datum.

A horizontal plane of reference is hereby established in the city to which all grades hereafter fixed or provided for from time to time by the city council in ordinances for public improvements or otherwise shall refer. The plane of reference shall be known as the city datum, and shall be located 100 feet below the top side of the window sill of the south basement window on the west side of the courthouse in the city, which window is now closed but formerly was open and was the south basement window on the west side of the courthouse.

(Code 1972, § 2-2)

Sec. 2-3. Election procedures.

The city hereby adopts chapter 46 of the Election Code (Ill. Rev. Stat. ch. 46) entitled "Elections," as amended (as now contained in 10 ILCS 5 et seq., entitled Election Code, as amended) and hereby makes it applicable to all elections held in the city for the nomination and election of the officers of the city, with all elections held in the city to be conducted on a nonpartisan basis without political party designation.

(Code 1972, § 2-2.1; Ord. No. 2845, § 1, 10-15-01; Ord. No. 2869, § 1, 6-3-02; Ord. No. 13-45, § 2, 11-4-13; Ord. No. 14-24, § 1, 5-5-14)

Sec. 2-4. Wards.

(a) Wards and boundaries. The city is hereby divided into five wards as set forth on the official ward maps, Map A and Map B, adopted by city council and authenticated by and on file with the city clerk.

(b) Next city election. The next city election will be held in accordance with the new redistricting provided by this section. At the next
election, those aldermen whose terms of office are not expiring shall be considered aldermen for the new wards in which their residences are situated. If there are two or more aldermen with terms of office not expiring and residing in the same ward under the new redistricting, the alderman who holds over for that ward shall be determined by lot in the presence of the city council, in the manner directed by the city council, and all other aldermen shall fill their unexpired terms as an alderman-at-large. The alderman-at-large, if any, created by the redistricting, shall have the same powers and duties as all other aldermen, but upon the expiration of their terms, their offices as alderman-at-large shall be abolished. For all wards in which no aldermen reside or in which the terms of the aldermen will expire at the time of the next election, one alderman will be elected in accordance with 65 ILCS 5/3.1-20-25 and the initial terms for all newly elected aldermen shall be determined by drawing lots, so that at least two of the five aldermen representing wards will have a two-year term and at least two of the five aldermen representing wards will have a four-year term.

(c) Aldermen-at-large. The city has two aldermen-at-large and this section will not affect the terms or election of the two aldermen-at-large, who will continue to be elected and serve as aldermen-at-large, so that the city will have one alderman elected from each of the five wards and two elected at large, for a total of seven aldermen.

(d) Annexed territory. Any territory annexed to the city after the adoption of any official ward map shall automatically become a part of the ward to which it is contiguous. If it is contiguous to more than one ward the city council shall designate by ordinance the ward of which it shall become part.

Sec. 2-5. Fiscal year for city.

(a) The fiscal year for the city shall begin on April 16, 1985, and end on April 30, 1986.

(b) The fiscal year for the city shall begin on May 1, 1986, and on May 1 in each year thereafter, and end on April 30, 1987, and on April 30 in each year thereafter.

Sec. 2-6. Fiscal year for township.

(a) The fiscal year for Macomb City Township shall begin on April 16, 1985, and end on April 30, 1986.

(b) The fiscal year for Macomb City Township shall begin
on May 1, 1986, and on May 1 in each year thereafter, and end on April 30, 1987, and on April 30 in each year thereafter.

(Code 1972, § 2-4.1)

Sec. 2-7. Official time.

The time of performance of any act of any officer or department of the city or in which any rights shall accrue or determine or in which any act shall or shall not be performed by any person shall be the time established by state law in accordance with Ill. Rev. Stat. ch. 1, ¶ 3201.

(Code 1972, § 2-5)

Sec. 2-8. Powers of arrest.

The mayor and the members of the city council, as well as every member of the police department, are hereby declared to be conservators of the peace with such powers to make arrests as are given to conservators of the peace by statute.

(Code 1972, § 2-6)

Police, ch. 18.


Sec. 2-9. Rental of city equipment.

(a) No items of city-owned property or equipment shall be entrusted for use by persons without the permission of the city department head under whose custody such property or equipment is placed by ordinance.

(b) The several department heads of the city may grant permission to loan or entrust city-owned property and equipment to persons for their use upon payment to the city of a rental fee equal to the prevailing rentals of similar property or equipment in the municipality. The rental fee shall be established by the city clerk.

(c) If city-owned property or equipment is loaned or entrusted to a person as provided in this section, an employee of the department charged with the custody of such property or equipment shall supervise the use thereof by such person.

(d) The term "person," as used in this section, shall not include the state or its political subdivisions or municipal corporations.

(Code 1972, § 2-7)

Secs. 2-10—2-20. Reserved.

DIVISION 2. MEETINGS AND REMOTE PARTICIPATION [2][3]
Sec. 2-21. Remote participation of meetings.

(a) It is the policy of the City of Macomb that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act (covered group) may attend and participate in any open or closed meeting of that covered group from remote locations via telephone, video or internet connection, provided that such attendance and participation is in compliance with this division and any other applicable laws.

(b) These rules shall apply to all councils, committees, boards and commissions established by authority of the City of Macomb.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-22. Prerequisites.

A member of the covered group shall be provided the opportunity to attend an open meeting or only one of such meetings from a remote location if the member meets the following conditions and a majority of a quorum of the covered body votes to approve the remote attendance:

(1) The member must notify the city clerk or the recording secretary of the covered body at least 24 hours before the meeting unless advance notice is impractical. The member must use the request form which is available in the city clerk's office. Inability to make the necessary technical arrangements will result in denial of a request for remote participation;

(2) The member must meet one of the three reasons described herein why he or she is unable to physically attend the meeting, including either: (1) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the covered group; or (3) the member
cannot attend because of a family or other emergency;

(3) A quorum of the covered body must be physically present.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-23. Adequate equipment required.

The member participating remotely and other members of the covered group must be able to communicate effectively and members of the audience must be able to hear all communications. Before approving remote attendance at any meeting, the covered group shall provide equipment adequate to accomplish this objective.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-24. Voting procedures.

After roll call, a vote of the covered body shall be taken, considering the prerequisites set forth in section 2-22, on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-25. Quorum and vote required.

A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of the quorum shall be necessary to decided the issue. For the meeting to continue there shall always need to be a quorum physically present.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-26. Minutes.

The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting if the member is allowed to participate. The meeting minutes of the covered group shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-27. Rights of remote member.

The member permitted to participate remotely will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously
adopted and adhered to. The remote member shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any remote member shall be called during any vote taken, and his or her vote counted and recorded by the clerk or secretary and placed in the minutes for the corresponding meeting. A member participating remotely may leave a meeting and return as in the case of any member.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-28. Meetings.

The term meeting as used herein refers to any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of the public body held for the purposes of discussing public business.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-29. Closed meetings.

A quorum of the covered group's members must be physically present at any closed meeting. Members participating remotely shall otherwise be entitled to participate in closed meetings by video or audio conference.

(Ord. No. 07-01, § 2, 1-2-07)

Sec. 2-30. Costs.

A member participating remotely via telephone shall be reimbursed for the cost of the telephone call upon a valid receipt shown. Any other costs associated with remote participation, including video conferencing and other audio and video equipment, must be approved by the covered group.

(Ord. No. 07-01, § 2, 1-2-07)

ARTICLE II. MAYOR

Sec. 2-31. Term of office.

Sec. 2-32. Powers and duties generally.

Sec. 2-33. Designation of duties of officers.

Sec. 2-34. Mayor pro tem.

Sec. 2-35. Acting mayor.

Secs. 2-36—2-50. Reserved.

Sec. 2-31. Term of office.
The mayor shall be elected for a four-year term, and shall serve until his successor is elected and has qualified, as provided by statute.

(Code 1972, § 2-18)

Sec. 2-32. Powers and duties generally.

The mayor shall be the chief executive officer of the city and shall perform such duties as may be required of him by statute or ordinance. He shall have supervision over all of the executive officers, heads of departments and employees of the city, and shall have the power and authority to inspect all books and records pertaining to city affairs kept by any officer or employee of the city at any reasonable time.

(Code 1972, § 2-19)

Sec. 2-33. Designation of duties of officers.

Whenever there is a dispute as to the respective duties or powers of any appointed officer of the city, this dispute shall be settled by the mayor after consultation with the city attorney. The mayor shall also have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty.

(Code 1972, § 2-21)

Sec. 2-34. Mayor pro tem.

During a temporary absence or disability of the mayor, the city council shall elect one of its members to act as mayor pro tem, who shall perform the duties and possess the powers of the mayor, as provided by statute.

(Code 1972, § 2-22)

Sec. 2-35. Acting mayor.

In the event of a vacancy in the office of mayor the city council shall elect one of its members as acting mayor to serve until the vacancy is filled at a regular or special election as provided by law.

(Code 1972, § 2-23)

Secs. 2-36—2-50. Reserved.

ARTICLE III. CITY COUNCIL
DIVISION 1. GENERALLY
Sec. 2-51. Time and place of regular meetings.
Sec. 2-52. Special meetings.
Sec. 2-53. Mayor to preside at meetings.
Sec. 2-54. Canvass of votes of city election.
Sec. 2-55. Procedure at final meeting.
Sec. 2-56. Term of office.
Sec. 2-57. Number of aldermen.
Secs. 2-58—2-70. Reserved.

Sec. 2-51. Time and place of regular meetings.

The regular meetings of the city council shall be held on the first and third Mondays of each month at 5:15 p.m. in the council room of the city hall. The regular committee of the whole meetings of the city council shall be held on the second, fourth, and if applicable fifth Mondays of each month at 5:15 p.m. in the council room of the city hall. If any of the regular meetings fall on a legal holiday, the meeting shall take place on the next day at the same hour.

(Code 1972, § 2-34; Ord. No. 17-27, § 2, 11-20-17)


Sec. 2-52. Special meetings.

Special meetings of the city council may be called by the mayor or any three aldermen. Written notice of the time, place and purpose of such meeting shall be served upon each member of the city council by a member of the police department at least 24 hours before the time set for the meeting, provided such notice may be waived in writing by any member of the council.

(Code 1972, § 2-35)


Sec. 2-53. Mayor to preside at meetings.

The mayor shall preside over all meetings of the city council.

(Code 1972, § 2-36)

Sec. 2-54. Canvass of votes of city election.

At the regular meeting on the first Wednesday after the first Tuesday in April in each election year, or as soon thereafter as a meeting can be held, the city council shall proceed to canvass the vote of the city election held on the first Tuesday in April of that year and to declare the result thereof.

(Code 1972, § 2-37)

Sec. 2-55. Procedure at final meeting.

At the regular meeting on the first Monday in May of each year, the city council shall proceed, as far as it may be able, to settle all accounts against the city, examine the reports of city officers and dispose of all unfinished business, after which the members of the council whose terms of office have expired shall vacate their seats in the council and the members elect, having been duly qualified, shall be entitled to the seats so vacated.

(Code 1972, § 2-38)

Sec. 2-56. Term of office.

The members of the city council shall be elected for four-year terms, half of the council members running every two years.

(Code 1972, § 2-39)

Sec. 2-57. Number of aldermen.

The aldermen shall consist of:

1. One alderman from each ward.
2. Two at-large aldermen.

(Ord. No. 2869, § 1, 6-3-02)

Secs. 2-58—2-70. Reserved.

DIVISION 2. RULES OF ORDER [3][4]

Sec. 2-71. Rules of order to be followed; exception.

Sec. 2-72. Order of business.

Sec. 2-73. Resolution of questions of order; application of Robert's Rules of Order.

Sec. 2-74. Addressing meetings.

Sec. 2-75. When resolutions, motions and amendments are to be written.

Sec. 2-76. Deferral of action on committee report.
Sec. 2-77. Bills against the city to be approved by audit examiner.
Sec. 2-78. Rescinding of action.
Sec. 2-79. Proper motions when question is before council; privilege; precedence; debate.
Sec. 2-80. Motion to adjourn.
Sec. 2-81. Certain matters to be considered by committee prior to being presented to council.
Secs. 2-82—2-100. Reserved.

Sec. 2-71. Rules of order to be followed; exception.

The rules of order established by this division shall govern all city council meetings and shall in all cases be adhered to, except that the rules of order may be suspended when no objection is made.

(Code 1972, § 2-44)

Sec. 2-72. Order of business.

The order of business at all regular meetings of the city council shall be as follows:

1. The roll call of members.
2. The minutes of the last meeting shall be read, amended and approved, unless such reading shall be dispensed with.
3. Presentation of consent agenda.
4. Action upon items deleted from consent agenda.
5. Reports of standing committees.
6. Reports of special committees.
7. Reports of city officers.
8. Resolutions and ordinances.
10. Recommendations from city officers.
11. Miscellaneous business.

(Code 1972, § 2-45)

Sec. 2-73. Resolution of questions of order; application of Robert's Rules of Order.

The mayor shall decide all questions of order at a council meeting, subject to appeal to the council, and in all cases where these rules are not applicable the council shall be
governed by parliamentary law as laid down in Robert's Rules of Order, as revised.

(Code 1972, § 2-46)

Sec. 2-74. Addressing meetings.

Members discussing a question at a council meeting shall address the mayor, and no member shall be deemed to have the floor until recognized by the mayor. No person except a member of the city council or an officer of the city shall be permitted to address the council unless by the majority consent of the council.

(Code 1972, § 2-47)

Sec. 2-75. When resolutions, motions and amendments are to be written.

All resolutions, motions and amendments shall be reduced to writing upon request by the mayor or any alderman, and shall be handed to the clerk to be read by him.

(Code 1972, § 2-48)

Sec. 2-76. Deferral of action on committee report.

Any report of a committee of the city council shall be deferred for final action thereon until the next regular meeting of the council after the report is made, upon the request of any two aldermen present.

(Code 1972, § 2-49)

Sec. 2-77. Bills against the city to be approved by audit examiner.

(a) No bill against the city shall be allowed by the city council until the bill has been examined and approved by the audit examiner and those aldermen exercising their duty to inspect individual bills and claims.

(b) The mayor shall nominate a currently seated alderman to serve as an audit examiner for the city, who will be eligible for compensation at the current rate in effect for additional meetings, upon consent of the city council, by a majority vote. The audit examiner shall be responsible for reviewing all bills and claims against the city prior to payment of said bills and claims.

(c) In addition, all other aldermen should consider such review a "duty of office" and when possible, review the bills and claims against the city prior to payment. Lack of such review will not disallow payment of due items, properly reviewed by the audit examiner. Other aldermen shall be eligible for compensation for this duty at the current rate in effect.

(Code 1972, § 2-50; Ord. No. 12-32, § 2, 7-2-12)

Sec. 2-78. Rescinding of action.
The vote upon the passage or the adoption of an order of the city council may, at the same meeting or at a regular meeting within one calendar month thereafter, be reconsidered on motion of any member voting in favor of such order, provided that such order shall not be rescinded by any less than a majority of the votes of the aldermen elected.

(Code 1972, § 2-51)

Sec. 2-79. Proper motions when question is before council; privilege; precedence; debate.

(a) When a question is before the city council, no motion shall be in order except the following:

(1) To adjourn.
(2) To lay on the table.
(3) The previous question.
(4) To postpone indefinitely.
(5) To postpone to a certain time.
(6) To amend.

(b) The motions enumerated in subsection (a) of this section shall be privileged and have precedence in the order in which they succeed each other by this rule. Motions to adjourn, to lay on the table and for the previous question shall be decided without debate.

(Code 1972, § 2-52)

Sec. 2-80. Motion to adjourn.

A motion to adjourn shall always be in order except as follows:

(1) When a member of the city council is in possession of the floor.
(2) When the yeas and nays are being called.
(3) When the members of the city council are voting.
(4) When an adjournment was the last preceding motion.
(5) When it has been decided that the previous question shall be taken, and the previous question is as follows: "Shall the main question now be put"?

(Code 1972, § 2-53)

Sec. 2-81. Certain matters to be considered by committee prior to being presented to
All matters which are within the duties of one of the standing committees or of a special committee of the city council shall be considered by that committee before being presented to the council.

(Code 1972, § 2-54)

Secs. 2-82—2-100. Reserved.

DIVISION 3. COMMITTEES

Sec. 2-101. Appointment of standing committees.

The standing committees of the city council shall be appointed by the mayor with the approval of a majority vote of the city council.

(Code 1972, § 2-60)

Sec. 2-102. Establishment of standing committees.

The standing committees of the city council shall be determined by the mayor with the advice and consent of the city council.

(Code 1972, § 2-61)

Secs. 2-103—2-120. Reserved.

ARTICLE IV. OFFICERS AND EMPLOYEES GENERALLY [4][5]

Sec. 2-121. Appointments.

Sec. 2-122. Term of office; vacancies.

Sec. 2-123. Oath.

Sec. 2-124. Bond.

Sec. 2-125. Salaries.

Sec. 2-126. Assignment of duties.

Sec. 2-127. Records to be open to inspection.

Sec. 2-128. City funds to be turned over to city clerk.

Sec. 2-129. Surrender of effects of office.
Sec. 2-130. Hiring procedure.

Sec. 2-131. Suspension and discharge.

Sec. 2-132. Hearing board.

Sec. 2-133. Residency.

Secs. 2-134—2-150. Reserved.

Sec. 2-121. Appointments.

All officers other than elective officers shall be appointed by the mayor by and with the advice and consent of the city council, as provided by statute.

(Code 1972, § 2-75)


Sec. 2-122. Term of office; vacancies.

(a) Every appointive officer of the city shall hold office for the term of the mayor and until his successor is appointed and has qualified, unless otherwise provided by ordinance.

(b) In case of a vacancy in any such office, it shall be filled in the same manner in which appointments or selections are made, in the absence of provision to the contrary.

(Code 1972, § 2-76)


Sec. 2-123. Oath.

Every officer of the city shall, before entering upon his duties, take the oath prescribed by statute.

(Code 1972, § 2-77)

Required oath of office, 65 ILCS 5/3-14-3.

Sec. 2-124. Bond.

Before entering upon the duties of their respective offices, all officers, except aldermen, shall execute a bond with security to be approved by the city council. The bond shall be payable to the city in such penal sums as may be determined by the council, and shall be conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer according to law and the ordinances of the city. The bond shall be filed with the city clerk, except the bond of the city clerk, which shall be filed with the city treasurer.
Sec. 2-125. Salaries.

All officers and employees of the city shall receive such salary or compensation as may be provided from time to time by ordinance or resolution.

Sec. 2-126. Assignment of duties.

The mayor shall have power to assign to any appointive officer any duty which is not assigned by ordinance to some other specific officer; and he shall determine disputes or questions relating to the respective powers or duties of such officers.

Sec. 2-127. Records to be open to inspection.

All records kept by any officer or employee of the city shall be open to inspection by the mayor or any member of the city council at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

Sec. 2-128. City funds to be turned over to city clerk.

Every officer of the city shall at least once each month turn over to the city clerk all money received by him in his official capacity, together with a statement showing the source from which the money was received.

Sec. 2-129. Surrender of effects of office.

Every officer and employee of the city, upon the expiration of his term or employment for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the city, and if no successor has been appointed within one week after the termination of his office or employment such property shall be delivered to the city clerk or the city treasurer.

Sec. 2-130. Hiring procedure.

All individuals hired by the city shall be hired pursuant to the hiring policies adopted by the city, pursuant to policy contained in the personnel manual as adopted by the
Sec. 2-131. Suspension and discharge.

(a) The head of a department or office of the city may suspend an employee in that department or office as a disciplinary measure for not more than 30 calendar days without pay. He shall serve or cause to be served on the employee a written suspension or discharge notice giving the reason or cause for the suspension or discharge, and proof of service of such notice shall be filed with the city clerk, who shall place the suspension or discharge notice in the employee's personnel file and the file of the head of the department or office giving the suspension or discharge.

(b) Any employee whose services are no longer required or whose services have proved to be unsatisfactory for any reason may be discharged and his employment terminated by the mayor or by the city council, provided that the question of discharge when made by the mayor may be taken before the city council by any member thereof and the city council shall have final authority on the matter, as provided in the current personnel manual of the city.

(c) Individuals given notice of suspension or discharge as provided for in this section may, within five days, demand a hearing under the terms and conditions provided for in the current personnel manual of the city.

Sec. 2-132. Hearing board.

There is hereby created a hearing board, which shall consist of three members to be appointed by the mayor with the advice and consent of the city council and who shall serve until the third Tuesday in April next following their appointment. One member of the hearing board shall be a member of the city council, one member shall be an employee of the city and one member shall be a citizen of the city who is not affiliated with the city government or its officials or employees. Two members of the hearing board shall constitute a quorum for the transaction of business, and no decision shall be made without the affirmative vote of at least two members of the hearing board.

Sec. 2-133. Residency.

(a) Except as otherwise provided in this section, all officers and employees of the city now in the employ of or hereafter to be employed by the city are hereby required as a condition of their continued employment to have their principal place of residence within the boundary lines of McDonough County and to be bona fide residents of the county. For purposes of this
section, a bona fide resident is a person having a permanent domicile within the county and one which has not adopted the intention of again taking up or claiming a previous residence acquired outside of boundary line of the county.

(b) New employees whose principal place of residence is outside the boundary lines of McDonough County on their date of hire shall have 90 calendar days from the end of their probationary period to establish their principal place of residence within the county and become a bonafide resident of the county. This residency must be maintained throughout the employment period. The city council may, within its discretion, grant additional time for a new employee to establish his principal residence within the county.

(c) No new employee shall be reimbursed for any expenses associated with relocating his principal residence to the county unless any such expenses are specifically approved for reimbursement by the city council.

(d) Any employee who terminates employment with the city and later re applies for employment by the city, whether for the same or a different position, shall be classified as a new employee for purposes of this section.

(e) Any employee may request permission to temporarily move outside of the county for good cause. Any request under this subsection shall be in writing and delivered to the city administrator. The city administrator shall present all such requests to the city council for consideration and approval.

(f) Notwithstanding the foregoing residency requirements, an employee of the City of Macomb, whose employment is not otherwise covered by and subject to either a collective bargaining agreement or a separate employment contract, must reside within the boundary lines of McDonough County.

(Ord. No. 2703, § 1, 6-18-96; Ord. No. 2831, § 1, 6-4-01; Ord. No. 05-04, § 1, 2-7-05; Ord. No. 08-28, § 2, 6-2-08)

Secs. 2-134—2-150. Reserved.

ARTICLE V. CITY CLERK

Sec. 2-151. Term of office.

Sec. 2-152. Sealing, attesting of documents.

Sec. 2-153. Duty to turn money over to treasurer.

Sec. 2-154. Accounts.

Sec. 2-155. Required records.

Sec. 2-156. Custody of city seal.

Sec. 2-157. Custody of documents.
Sec. 2-158. Indexing of documents and records.

Sec. 2-159. Reserved.

Sec. 2-160. Clerk to act as town clerk.

Sec. 2-161. Additional duties.

Sec. 2-162. Vacancies.

Sec. 2-163. Deputy clerk.

Secs. 2-164—2-180. Reserved.

Sec. 2-151. Term of office.

The city clerk shall be elected for a four-year term, and shall serve until his successor is elected and has qualified.

(Code 1972, § 2-98)

Similar provisions, 65 ILCS 5/3-4-1 & 5/3-4-2.

Sec. 2-152. Sealing, attesting of documents.

The city clerk shall seal and attest all contracts of the city and all licenses, permits and other documents which require this formality.

(Code 1972, § 2-99)

Sec. 2-153. Duty to turn money over to treasurer.

The city clerk shall turn over all money received by him on behalf of the city to the city treasurer promptly on receipt of the money; and with such money he shall give a statement as to the source thereof.

(Code 1972, § 2-100)

Sec. 2-154. Accounts.

The city clerk shall keep accounts showing all money received by him and the source and disposition of the money, and such other accounts as may be required by statute or ordinance.

(Code 1972, § 2-101)

Sec. 2-155. Required records.

In addition to the record of ordinances and other records which the city clerk is required by statute to keep, he shall keep a register of all licenses and permits issued and a record of the payment thereon, and he shall keep a record showing all of the officers and regular employees of the city and such other records as may be required by the city council.
Sec. 2-156. Custody of city seal.

The city clerk shall be the custodian of the city seal and shall affix its impression on documents whenever this is required.

(CODE 1972, § 2-103)

Corporate seal, § 2-1.


Sec. 2-157. Custody of documents.

The city clerk shall be the custodian of all documents belonging to the city which are not assigned to the custody of some other officer.

(CODE 1972, § 2-104)


Sec. 2-158. Indexing of documents and records.

The city clerk shall keep and maintain a proper index to all documents and records kept by him so that ready access thereto and use thereof may be had.

(CODE 1972, § 2-105)

Sec. 2-159. Reserved.

Editor's note—

Ord. No. 2777, § 2, adopted Nov. 16, 1998, repealed § 2-159 in its entirety. Formerly, said section pertained to the city clerk as the city collector. See the Code Comparative Table.

Sec. 2-160. Clerk to act as town clerk.

The city clerk shall be ex officio town clerk.

(CODE 1972, § 2-107)

Sec. 2-161. Additional duties.

In addition to the duties provided in this article, the city clerk shall perform the following duties and functions:

(a) Give notice of city council and committee of the whole meetings;

(b) Distribute agenda of city council and committee of the
whole meeting;

(c) Take and transcribe minutes of all city council and committee of the Whole meetings;

(d) Maintain all payroll records and perform all payroll functions for city officials, employees and retirees;

(e) Maintain all personnel records and files on city officials, employees and retirees;

(f) Handle all employee benefit functions for city personnel;

(g) Maintain asset and insurance records and make required reports;

(h) Countersign all checks, drafts or commercial paper issued by the city in payment of debts or obligations of the city;

(i) Handle such other duties and functions as the city council may properly designate;

(j) Perform such other duties and functions as required by law.

(Code 1972, § 2-108; Ord. No. 2777, § 1, 11-16-98)

Sec. 2-162. Vacancies.

In case the office of city clerk shall become vacant for any reason, the mayor and city council shall appoint a successor as provided by statute.

(Code 1972, § 2-109)

Sec. 2-163. Deputy clerk.

(a) There is hereby created the office of deputy clerk. The city clerk is authorized to appoint a deputy clerk by and with the advice and consent of the city council, who shall have the power and duty to execute all documents required by any law or ordinance to be executed by the clerk and affix the seal of the city thereto whenever required.

(b) When signing any documents, the deputy clerk shall sign the name of the city clerk followed by the word "by" and the deputy clerk's own name and the words "deputy clerk."

(c) The powers and duties described in this section shall be exercised by the deputy clerk only in the absence of the city clerk from his office in the city hall, and only when either written direction has been given by the city clerk to exercise such power or the city council has determined by resolution that the city clerk is temporarily or permanently incapacitated to perform such function.

(d) The deputy clerk shall have the authority and power
described in this section and such further power and authority as may be
provided by statute.

(Code 1972, § 2-110)

Secs. 2-164—2-180. Reserved.

ARTICLE VI. CITY TREASURER [5][6]

Sec. 2-181. Term of office.
Sec. 2-182. Duties.
Sec. 2-183. Money to be paid out of particular fund or appropriation; transfer from one fund to another.
Sec. 2-184. Designation of depositories; deposit of funds.
Sec. 2-185. Intermingling and private use of funds prohibited.
Sec. 2-186. Records.
Sec. 2-187. Monthly and annual reports.
Sec. 2-188. Register of warrants, bonds and orders.
Sec. 2-189. Treasurer to act as town collector.
Secs. 2-190—2-210. Reserved.

Sec. 2-181. Term of office.

The city treasurer shall be elected for a four-year term and shall serve until his successor is elected and has qualified.

(Code 1972, § 2-121)


Sec. 2-182. Duties.

The city treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid to the city, either directly from the person paying it or from the hands of such other officer as may receive it, and shall pay out money only on warrants or vouchers ordered by the city council and signed by the mayor and city clerk. In all cases warrants or vouchers must state on what particular fund they are drawn. Any bond or interest coupon issued by the city and due and payable shall be considered as a warrant duly authorized for payment by the treasurer.

(Code 1972, § 2-122)

Sec. 2-183. Money to be paid out of particular fund or appropriation; transfer from one
fund to another.

No money shall be paid by the city treasurer upon any warrant, voucher, bond or coupon except from the moneys belonging to the particular fund or appropriation upon which the moneys shall have been drawn, nor shall any money be transferred by the treasurer from one fund to another after it has been received by him nor appropriated for any purpose other than that for which it has been collected and paid without a vote of a majority of the city council elected.

(Code 1972, § 2-123)

Sec. 2-184. Designation of depositories; deposit of funds.

(a) The following financial institutions are approved and designated as the financial institutions to be used for the deposit of city funds for checking and/or investment purposes: Citizens National Bank, First Federal Bank, First State Bank of Western Illinois, MidAmerica National Bank, and First Bankers Trust Company. Illinois funds are payable through US Bank, Springfield, Illinois. This list of financial institutions shall be reviewed annually and updated as necessary.

(b) The city treasurer and all other city officers in custody or control of city funds shall deposit such funds in the depositories designated in subsection (a) of this section.

(c) The city treasurer is authorized to use Treasury Direct or any other statutorily authorized system to purchase U.S. government securities on the city's behalf.

(d) The following broker-dealers are approved and designated as financial institutions to be used for investment purposes: AG Edwards, Bank of America, Edward Jones, Huntington Bank, Mult-Bank Securities, Wells Fargo and Vining Sparks. This list of broker-dealers shall be reviewed annually and updated as necessary.

(Code 1972, § 2-124; Ord. No. 2935, § 1, 12-1-03; Ord. No. 05-09, §§ 2, 3-21-05; Ord. No. 06-08, § 2, 2-21-06)


Sec. 2-185. Intermingling and private use of funds prohibited.

The city treasurer shall keep city money separated and distinct from his own money and shall not intermingle his own money with city money or make private or personal use of city funds.

(Code 1972, § 2-125)


Sec. 2-186. Records.
The city treasurer shall keep proper records and accounts showing all money received by him and the source from which it was received, and showing all money paid out by him and the purpose for which it was paid out; he shall keep a record showing at all times the financial status of the city.

(Code 1972, § 2-126)

Sec. 2-187. Monthly and annual reports.

The city treasurer shall make monthly reports to the city council showing the state of the finances of the city and the amounts received and spent during the month, which reports shall be filed. The city treasurer shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the city and his transactions during the preceding year.

(Code 1972, § 2-127)


Sec. 2-188. Register of warrants, bonds and orders.

The city treasurer shall keep a register of all warrants, bonds or orders filed with him or paid by him, and of all vouchers as required by statute.

(Code 1972, § 2-128)


Sec. 2-189. Treasurer to act as town collector.

The city treasurer shall be ex officio town collector.

(Code 1972, § 2-129)

Clerk to act as city collector, § 2-159.

Secs. 2-190—2-210. Reserved.

ARTICLE VII. APPOINITIVE OFFICERS

DIVISION 1. GENERALLY

Secs. 2-211—2-230. Reserved.

Secs. 2-211—2-230. Reserved.

DIVISION 2. CITY ATTORNEY
Sec. 2-231.  Office created; appointment; term; qualifications.

There is hereby created the office of city attorney, an executive office of the city. The city attorney shall be appointed by the mayor, by and with the advice and consent of the city council, for the term of office of the mayor. The mayor may appoint either an individual attorney or a local law firm to act as city attorney. The city attorney shall be licensed to practice law in the state.

(Code 1972, § 2-163; Ord. No. 2921, § 1, 5-19-03)

Sec. 2-232.  Duty to render legal advice.

The city attorney shall be the legal advisor of the city and shall render advice on all legal questions affecting the city whenever requested to do so by any city official. Upon request by the mayor or by the council, he shall reduce any such opinion to writing.

(Code 1972, § 2-164)

Sec. 2-233.  Duty to prosecute and defend suits.

The city attorney shall prosecute all violations of the ordinances of the city and see to the enforcement of all judgments, decrees or orders rendered or entered in favor of the city. He shall prosecute and defend any suits or actions at law or in equity to which the city may be a party or in which it may be interested whenever directed to do so by the city council.

(Code 1972, § 2-165)

Sec. 2-234.  Drafting of ordinances, contracts and other documents.

It shall be the duty of the city attorney to draft or supervise the preparation of all contracts, leases or other documents or instruments to which the city may be a party and, upon the request of the mayor or city council, to draft ordinances or resolutions covering any subjects within the powers of the city.

(Code 1972, § 2-166)

Sec. 2-235.  Additional counsel.
The city council may engage counsel in addition to the city attorney whenever in its opinion such additional counsel is necessary.

(Code 1972, § 2-167)

Secs. 2-236—2-250. Reserved.

DIVISION 3. BUDGET OFFICER

Sec. 2-251. Budget system adopted.
Sec. 2-252. Appointment.
Sec. 2-253. Duties.
Secs. 2-254, 2-255. Reserved.

Sec. 2-251. Budget system adopted.

The city hereby adopts the budget system as provided for in Ill. Rev. Stat. ch. 24, ¶¶ 8-2-9.1—8-2-9.10.

(Code 1972, § 2-171)

Sec. 2-252. Appointment.

Pursuant to Ill. Rev. Stat. ch. 24, ¶ 8-2-9.1, the mayor shall designate a budget officer for the city.

(Code 1972, § 2-172)

Sec. 2-253. Duties.

The budget officer appointed pursuant to this division shall have the duties and responsibilities established pursuant to Ill. Rev. Stat. ch. 24, ¶ 8-2-9.2 et seq.

(Code 1972, § 2-173)

Secs. 2-254, 2-255. Reserved.

DIVISION 4. CITY ADMINISTRATOR [6](7)

Sec. 2-256. City administrator established.
Sec. 2-257. Appointment and qualifications of city administrator.
Sec. 2-258. Absence of administrator.
Sec. 2-259. Term of employment contract.
Sec. 2-260. Relationship to the mayor and council.
Sec. 2-256. **City administrator established.**

The City of Macomb hereby establishes the position of city administrator for the City of Macomb, McDonough County, Illinois (hereinafter sometimes referred to as "administrator").

*(Ord. No. 07-48, § 2, 12-18-07)*

Sec. 2-257. **Appointment and qualifications of city administrator.**

The administrator shall be appointed by the mayor with the advice and consent of the city council. The administrator chosen shall be of high moral character with administrative experience and knowledge of municipal administration. Within 90 calendar days after appointment, the administrator shall reside within the corporate city limits.

The administrator shall have knowledge of management administration, city government operation, and good general business practices. The person shall also have the ability to perform well in the following areas: personnel management, labor relations, financial management, budgeting, public safety management, public works management and community development.

*(Ord. No. 07-48, § 2, 12-18-07)*

Sec. 2-258. **Absence of administrator.**

During the absence or disability of the administrator, the mayor may act as the administrator or may designate some properly qualified city employee to act as temporary administrator, until the next meeting of the city council.

*(Ord. No. 07-48, § 2, 12-18-07)*

Sec. 2-259. **Term of employment contract.**

The administrator shall be employed by contract, the terms of which shall be agreed upon by both the administrator and the mayor and the city council. The term of the office of the city administrator shall be coterminous with the term of the mayor appointing the city administrator. The mayor, the city council and the city administrator may enter into an agreement with respect to other terms and provisions of employment and may provide for salary, salary adjustments, fringe benefits, severance provisions, and benefits. The
administrator may not be employed by any other governmental body or business during the period of the administrator's contract unless specifically authorized by the mayor and city council.

(Ord. No. 07-48, § 2, 12-18-07)

Sec. 2-260. Relationship to the mayor and council.

The administrator shall be subject to the authority and direction of the mayor and council and shall exercise the responsibilities as chief administrative officer under their supervision. Unless otherwise specified by contract, the administrator shall serve at the pleasure of the mayor and council and may be terminated without charges or hearing on 30 days' notice. Unless otherwise provided by contract, the administrator shall give the city 30 days' written notice of resignation.

(Ord. No. 07-48, § 2, 12-18-07)

Sec. 2-261. Responsibilities.

The administrator shall be responsible to the mayor and council for the full and proper administration of the affairs of the city and on behalf of the mayor and council shall direct, supervise, administer and coordinate the work of all city department heads and employees. The administrator shall:

(1) Manage and oversee all personnel matters for the city (not including mayoral appointments), subject to the special requirements of state or federal statutes, laws, rules or regulations, Macomb City ordinances and collective bargaining agreements, as follows:

   a. Make appointment or hiring recommendations for department head positions to the mayor and city council, with mayor and city council to hire or appoint.

   b. Make hiring decisions below the position of department head (without mayoral and city council approval).

   c. Make promotions below the position of department head (without mayoral and city council approval).

   d. Suspend for up to seven days without pay employees below the position of department head (without mayoral and city council approval).

   e. Suspend department heads, except fire and police chiefs, without pay with mayoral and city council approval.

   f. Suspend for up to 30 days without pay employees below the position of department head (without mayoral and city council approval).

   g. Discharge for cause employees below the position of department head (without mayoral and city council approval).
h. Discharge for cause department heads, except fire chief, police chief and public works director with mayoral and city council approval.

i. Make discharge recommendations to the mayor and city council regarding the public works director.

(2) On or before April 1 in each year, and before the annual appropriation ordinance is prepared by the corporate authorities, the administrator shall submit to the corporate authorities a report of the administrator's estimates of the money needed to defray the expenses of the city during the next fiscal year and in this report the administrator shall classify and detail the purposes of expenditures, the aggregate income of the preceding year, the city liabilities, prepare and submit a working budget, and such other information as necessary to assist the city council in adoption of an appropriation ordinance. For the purpose of preparing the aforesaid estimate, the administrator shall cooperate with the city treasurer, city clerk and each head of a department or office of the city in preparation of statements of the condition and expenses of their respective responsibilities, as well as a description of proposed city improvements and the probable expense thereof. The administrator shall describe all unperformed contracts and shall prepare a statement listing the amount of all unused appropriations of the preceding year. The administrator shall consult with each head of a department or office of the city and they shall jointly recommend to the city council the salaries to be paid each employee of the city, except the administrator's and department heads or city office heads.

(3) Each month the administrator shall be responsible for working with the business office to prepare a statement showing the status of the city's finances as of the end of the preceding month. This report shall be combined with the report of the city treasurer. A copy of this statement shall be delivered to each city alderman and to the mayor.

(4) The administrator shall assist the city treasurer in the issuance and sale of bonds, warrants and obligations.

(5) The administrator shall supervise the accounting work of the city.

(6) The administrator shall keep the mayor and council advised of the financial condition of the city, of the future needs of the city, and make recommendations as appropriate.

(7) The administrator shall annually recommend to and submit for approval by, the city council an organizational chart of all offices, positions, departments or units in the city, together with job descriptions of each such office and/or position.

The administrator shall coordinate activities between the departments to ensure efficient utilization of resources and maximize interdepartmental coordination and communication.
(8) The administrator shall be responsible for the purchase of all materials, supplies and equipment subject to and pursuant to directives of the city council. These purchases shall be subject to and conform with the law as set forth in the statutes of the state, especially those laws pertaining to the creation of liabilities against the city and pertaining to the expenditure of monies appropriated by the city. The administrator is authorized to make expenditures up to $3,000.00 without the preliminary authorization of the city council.

(9) The administrator shall gather data and information for the mayor and council regarding city affairs and make appropriate recommendations.

(10) The administrator shall manage and oversee all grants and loans from governmental or private entities for all city programs, operations and services with the assistance of city staff.

(11) The administrator shall administer all personnel requirements as provided for in the "City of Macomb Personnel Policy and Procedure Manual," and any collective bargaining agreements.

(12) The administrator shall attend all meetings of the city council unless excused by the mayor or the city council. The administrator shall be given notice of all meetings except those regularly scheduled. The administrator shall be prepared to answer any questions regarding the administration of the city.

(13) The administrator shall conduct investigations into the affairs of the city when instructed to do so by the mayor or city council and shall investigate all complaints in relation to matters concerning city services and administration. After these investigations are made, a report shall be made to the mayor, the appropriate head of a department or office of the city and to the city council.

The administrator will have the ultimate responsibility for handling and following up on inquiries and/or requests for public services, questions and complaints from the public.

(14) The administrator shall cooperate with the city attorney in the enforcement of all city ordinances, rules and regulations and policies.

The administrator shall submit all contracts to the city attorney for review, including but not limited to collective bargaining agreements.

(15) The administrator shall coordinate any public relations effort with the news media as may be reasonably required by the mayor and city council to foster a favorable relationship with the community.

(16) The administrator and the mayor shall promote and assist in the economic development and the controlled planned growth of the city.
(17) The administrator shall devote his/her entire time to the discharge of all official duties.

(18) The administrator shall represent the city at any community or intergovernmental functions as directed by the mayor.

The administrator shall perform such other duties as may be required of the administrator by the corporate authorities consistent with city ordinances or the statutes of the state.

(Ord. No. 07-48, § 2, 12-18-07; Ord. No. 14-50, § 2, 12-1-14)

Sec. 2-262. Policy making.

Except for internal administrative matters, the administrator does not set policy for the city. Rather, it is the administrator's responsibility to see that the policies of the mayor and city council are carried out to the best of the administrator's ability.

(Ord. No. 07-48, § 2, 12-18-07)

Sec. 2-263. Salary and benefits.

The administrator shall receive such salary and benefits as provided by motion or resolution of the city council as may be enumerated in a contract of employment.

(Ord. No. 07-48, § 2, 12-18-07)

Sec. 2-264. City administrator performance evaluation.

The administrator shall be evaluated by the mayor and city council at least once a year. The evaluation will be based upon the performance of the administrator's duties and shall not reflect personality differences. The administrator will have the opportunity to respond to the evaluation and elaborate about any part of it. A written memorandum of the evaluation and comments will be signed and dated by the administrator and the mayor and placed in the city administrator's file kept in the mayor's office. This file will be accessible to the administrator and aldermen. The administrator will receive a personal copy of this evaluation memorandum.

(Ord. No. 07-48, § 2, 12-18-07)

Sec. 2-265. Authority of all elected city officials not diminished.

Nothing in this division shall be deemed or construed to diminish or detract from the powers or authority of any city officials.

(Ord. No. 07-48, § 2, 12-18-07)

Secs. 2-266—2-268. Reserved.

ARTICLE VIII. BOARDS AND COMMISSIONS [7](8)
DIVISION 1. PUBLIC WORKS DIRECTOR

Sec. 2-269. Public works department created.

Sec. 2-270. Public works director.

Secs. 2-271—2-290. Reserved.

Sec. 2-269. Public works department created.

The public works department shall consist of the following departments:

(1) Streets.
(2) Water
(3) Sewer.
(4) Cemetery.

(Ord. No. 2895, § 1, 11-18-02)

Sec. 2-270. Public works director.

The public works director shall:

(1) Be appointed by the mayor by and with the advice, consent and approval of the city council.
(2) Report to the city administrator.
(3) Work under the direction of the city administrator, mayor and city council.
(4) Promote the efficient and effective operation of the public works department.
(5) Be responsible for all operations of the public works department.
(6) Serve a term of appointment the same as that of the mayor, but they may be removed from the appointment as provided by law. If a public works director who has not been so removed and is not reappointed to the position, was a member of the public works department at the time of their original appointment, they may resume their position in the department at the same level they held at the time of their appointment.

(Ord. No. 2895, § 1, 11-18-02; Ord. No. 12-60, § 2, 11-19-12)

Secs. 2-271—2-290. Reserved.

DIVISION 2. LIBRARY BOARD [8][9]
Sec. 2-291. Established; composition.

There is hereby created a library board of trustees consisting of nine members.

(Code 1972, § 2-178)

Sec. 2-292. Appointment of members; term of office.

Before July 1 each year the mayor shall, with the approval of the city council, appoint three members to the library board to take the place of the retiring trustees, who shall hold office for three years and until their successors are appointed, all as provided by statute.

(Code 1972, § 2-179)


Sec. 2-293. Powers and duties.

(a) The library board shall have charge of the public library and shall have such powers and duties as are given it by statute.

(b) The library board shall make a report of the financial condition of the library as often and at such times as is provided by statute. The board shall also make such other reports as may be requested from time to time by the city council.

(c) The library board shall have the power to make reasonable rules and regulations governing the use of the library and may exclude from the library any person who willfully violates such rules.

(Code 1972, § 2-180)


Secs. 2-294—2-310. Reserved.

DIVISION 3. BOARD OF LOCAL IMPROVEMENTS [9][10]

Sec. 2-311. Establishment; composition.

Sec. 2-312. Powers and duties.

Secs. 2-313—2-330. Reserved.
Sec. 2-311. Establishment; composition.

There shall be established by city ordinance from time to time a board of local improvements which shall consist of the mayor, the superintendent of streets, and one alderman from each ward.

(Code 1972, § 2-186)

Sec. 2-312. Powers and duties.

(a) The board of local improvements shall have the powers and perform the duties prescribed by state statute.

(b) The board of local improvements shall keep adequate records of all work undertaken by it, showing the work undertaken, the work accomplished, the expenditures made and the amount of money received.

(Code 1972, § 2-187)

Secs. 2-313—2-330. Reserved.

DIVISION 4. BOARD OF FIRE AND POLICE COMMISSIONERS [10][11]

Sec. 2-331. Established; composition; compensation.

There is hereby established a board of fire and police commissioners consisting of three members, as provided by statute, who shall serve without compensation.

(Code 1972, § 2-193)

Sec. 2-332. Appointment of members; term of office.

The board of fire and police commissioners shall be appointed by the mayor, by and with the consent of the city council. The terms of office of the members of the board of fire and police commissioners shall be three years and until their respective successors shall
Sec. 2-194. Term of office.  The members of the board of fire and police commissioners shall have such qualifications as are now or may hereafter be required of them by law.

(Code 1972, § 2-194)

Sec. 2-333. Qualifications of members.  The members of the board of fire and police commissioners shall have such qualifications as are now or may hereafter be required of them by law.

(Code 1972, § 2-195)


Sec. 2-334. Oath; bond.  Each member of the board of fire and police commissioners shall take an oath or affirmation of office and shall execute and deliver to the city a bond in the sum of $1,000.00 with such sureties as the mayor and city council shall approve, conditioned for the faithful performance of the duties of his office.

(Code 1972, § 2-196)

Sec. 2-335. Powers.  The board of fire and police commissioners shall have such powers and duties as are now or may hereafter be given to it by law and ordinance.

(Code 1972, § 2-197)

Sec. 2-336. Removal of members.  The members of the board of fire and police commissioners shall be subject to removal from office in the same manner as other officers of the city.

(Code 1972, § 2-198)

Secs. 2-337—2-360. Reserved.

ARTICLE IX. YOUTH COUNCIL

Sec. 2-361. Created; composition; qualifications of members.

Sec. 2-362. Purpose.

Sec. 2-363. Appointment of members.

Sec. 2-364. Term of office; selection of officers.

Sec. 2-365. Activities.

Sec. 2-366. Ex officio members.
Sec. 2-361. Created; composition; qualifications of members.

There shall be created the city youth council, consisting of nine members who are residents or employees of the city and who have shown a special interest in the youth of this area.

(Code 1972, § 2-208)

Sec. 2-362. Purpose.

The purpose of the youth council shall be to encourage and assist the development of the young people of the city.

(Code 1972, § 2-208.1)

Sec. 2-363. Appointment of members.

The members of the youth council shall be appointed by the mayor subject to the approval of the city council. Vacancies which may occur may be filled by appointment by the mayor after recommendation by the youth council.

(Code 1972, § 2-208.2)

Sec. 2-364. Term of office; selection of officers.

Terms of members of the youth council shall be for three years, except for the terms of the initial appointees, which shall be assigned so that the terms of three members shall be for the term of three years ending November 1, 1976, the terms of three members shall be for the term of two years ending November 1, 1975, and the terms of three members shall be for the term of one year ending November 1, 1974. The youth council shall select its own chairman and officers in accordance with procedures the youth council shall adopt.

(Code 1972, § 2-208.3)

Sec. 2-365. Activities.

The youth council's activities shall include the following:

1. Assist in coordinating and integrating governmental and private programs affecting the welfare of young adults in the city.

2. Make or cause to be made studies related to juvenile behavior or the interests of young adults.

3. Request and obtain special material and data from city departments, schools and public and private agencies, and advise as may be
reasonably necessary to carry out its work.

(4) Recommend plans and methods for the improvement of the environment and development of the young adults of the city.

(Code 1972, § 2-208.4)

Sec. 2-366. Ex officio members.

The mayor or his designate, the city police juvenile officer and the director of the county youth service bureau shall be ex officio members of the youth council.

(Code 1972, § 2-208.5)

Sec. 2-367. Annual report.

In January of each year the youth council shall prepare and submit to the mayor and the city council a summary report of its operations, studies, meetings and attendance of members during the preceding year, along with a statement of projected plans. The council shall keep a written record of its proceedings, which shall be available for inspection. The mayor or his designate shall provide to the city council an oral report quarterly on the activities of the youth council.

(Code 1972, § 2-208.6)

Secs. 2-368—2-390. Reserved.

ARTICLE X. TAXATION

DIVISION 1. GENERALLY

Secs. 2-391—2-410. Reserved.

Secs. 2-391—2-410. Reserved.

DIVISION 2. HOTEL OPERATORS' OCCUPATION TAX

Sec. 2-411. Title of division; tax in addition to other taxes.

Sec. 2-412. Definitions.

Sec. 2-413. Rate; exemption; use.

Sec. 2-414. Records; inspection.

Sec. 2-415. Certificate of registration.

Sec. 2-416. Filing of return; required information.

Sec. 2-417. Discontinuance of business.
Sec. 2-418. Separate returns required for multiple businesses.

Sec. 2-419. Correction of returns; annual information return.

Sec. 2-420. Applicability of retailers' occupation tax.

Sec. 2-421. Authority to promulgate additional regulations.

Sec. 2-422. Suspension of licenses.

Sec. 2-423. Penalty.

Secs. 2-424—2-430. Reserved.

Sec. 2-411. Title of division; tax in addition to other taxes.

This division, which shall be known as the hotel operators' occupation tax, and the tax imposed in this division, shall be in addition to all other occupation, privilege or other taxes imposed by the city, by any other political subdivision of the state, or by the state.

(Code 1972, § 2-230)

Sec. 2-412. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hotel means any building in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes, but shall not be limited to the following: bed and breakfast establishments, inns, motels, tourist homes or courts, lodginghouses, roominghouses and apartment houses. The term "hotel" shall not include and a tax is not imposed by this division on what would otherwise be a hotel if it has accommodations limited to fewer than four rooms. It is intended that this division shall apply to hotels with four or more rooms available.

Occupancy means the use or possession, or the right to use or possession, of any room in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room.

Operator means any person operating a hotel.

Permanent resident means any person who occupies or has the right to occupy any room in a hotel for at least 30 consecutive days.

Person means any natural individual, firm, partnership, association, joint stock company, joint venture or public or private corporation, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

Rent or rental means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash or credits, and property or services of any kind or nature.
Room or rooms means any living quarters or sleeping or housekeeping accommodations.

(Code 1972, § 2-231; Ord. No. 2775, § 1, 11-16-98)

Definitions and rules of construction generally, § 1-2.

Sec. 2-413. Rate; exemption; use.

(a) A tax is imposed upon persons engaged in the business of renting, leasing or letting rooms in a hotel at the rate of five percent of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of that hotel.

(b) The persons subject to the tax imposed by this division may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in single amount, with state tax imposed under the Hotel Operators' Occupation Tax Act, as now or hereafter enacted.

(c) This tax is not imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the constitution and statutes of the United States, be made the subject of taxation by this state or the city.

(d) The amounts collected by the city pursuant to this tax shall be expended by the city solely to promote tourism and conventions within this municipality or otherwise to attract nonresident overnight visitors to the municipality. A separate fund shall be established for such purpose. No funds received pursuant to this division shall be used to advertise for or otherwise promote new competition in the hotel business.

(e) Five percent of the gross tax revenue collected shall be retained by the city to defray the costs of administrating and processing the imposition and collection of the tax.

(Code 1972, § 2-232; Ord. No. 2571, § 1, 5-3-93; Ord. No. 09-42, § 2, 10-19-09)

Sec. 2-414. Records; inspection.

Every operator shall keep separate books or records of his business as an operator so as to show the rents and occupancies taxable under this division separately from his transactions not taxable under this division. If any operator fails to keep such separate books or records, such operator shall be liable to tax at the rate designated in section 2-413 upon the entire proceeds from such operator's hotel. The city treasurer, or the city treasurer's designee or deputy, may enter the premises of any hotel for inspection and examination of books and records in order to effectuate the proper administration of this division and to ensure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder or interfere with the city treasurer, or the city treasurer's designee or deputy, in the discharge of his duties and the enforcement of this division.
Sec. 2-415. Certificate of registration.

It shall be unlawful for any person to engage in the business of renting, leasing or letting rooms in a hotel in the city subject to the tax imposed by this division without a certificate of registration from the city treasurer. Such registration shall set forth the name of the person to whom all communications are to be sent unless or until such registration is amended.

Sec. 2-416. Filing of return; required information.

(a) Except as provided in this section, on or before the 15th day of each calendar month, every person engaged in the business of renting, leasing or letting rooms in a hotel in this municipality during the preceding calendar month shall file a return with the city treasurer, stating:

1. The name of the operator.
2. His residence address, and the address of his principal place of business if that is a different address, from which he engaged in the business of renting, leasing or letting rooms in a hotel in this municipality.
3. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms during such preceding calendar month.
4. Total amount of rental receipts received by him during the preceding calendar month from renting, leasing or letting rooms to permanent residents during such preceding calendar month.
5. Total amount of other exclusions from gross rental receipts allowed by this division.
6. Gross rental receipts which were received by him during the preceding calendar month upon the basis of which the tax is imposed.
7. The amount of tax due.
8. The amount of penalty due, if any.
9. Such other reasonable information as the city treasurer may require.

(b) If the operator's average monthly tax liability to the city does not exceed $100.00, the city treasurer may authorize the operator's returns to be filed on a quarter-annual basis, with the return for January,
February and March of a given year being due by April 30 of such year; with the return for April, May and June for a given year being due by July 31 of such year; with the return for July, August and September of a given year being due by October 31 of such year, and with the return for October, November and December of a given year being due by January 31 of the following year.

(c) If the operator's average monthly tax liability to the city does not exceed $20.00, the city treasurer may authorize the operator's returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

(d) Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

(Code 1972, § 2-235; Ord. No. 09-42, § 3, 10-19-09)

Sec. 2-417. Discontinuance of business.

Notwithstanding any other provision in this division concerning the time within which an operator may file the operator's return, in the case of any operator who ceases to engage in a kind of business which makes the operator responsible for filing returns under this division, such operator shall file a final return under this division with the city not more than one month after discontinuing such business.

(Code 1972, § 2-236)

Sec. 2-418. Separate returns required for multiple businesses.

Where the same person has more than one business registered with the city under separate registrations under this division, such person shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for all such registered businesses.

(Code 1972, § 2-237)

Sec. 2-419. Correction of returns; annual information return.

(a) In the operator's return, the operator shall determine the value of any consideration other than money received by the operator in connection with the renting, leasing or letting of rooms in the course of the operator's business, and the operator shall include such value in the return. Such determination shall be subject to review and revision by the city treasurer in the manner provided in this section for the correction of returns.

(b) Where the operator is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

(c) The person filing the return provided for in this division shall, at the time of filing such return, pay to the city treasurer the amount of tax imposed in this division. All moneys received by the city under the provisions of
this division shall be paid into the city treasury.

(d) The city treasurer may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the city treasurer, on a form prescribed by the city treasurer, within not less than 60 days after receipt of the notice, an annual information return for the tax year specified in the notice. Such annual return to the city treasurer shall include a statement of gross receipts as shown by the operator's last state income tax return. If the total receipts of the business as reported in the state income tax return do not agree with the gross receipts reported to the city for the same period, the operator shall attach to the operator's annual information return a schedule showing reconciliations of the two amounts and the reasons for the difference. The operator's annual information return to the city treasurer shall also disclose additional information which the city treasurer deems would be helpful in determining the accuracy of the monthly, quarterly or annual tax returns by such operator as provided for in this division.

(e) If the annual information return required by this section is not filed when and as required, the taxpayer shall be liable for a penalty equal to one and one-half percent of the tax due from such taxpayer under this division during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this division.

(f) The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs an annual return containing false or inaccurate information shall be guilty of a violation of this division.

(g) The portion of this section concerning the filing of an annual information return shall not apply to an operator who is not required to file an income tax return with the United States government.

(Code 1972, § 2-238; Ord. No. 09-42, § 4, 10-19-09)

Sec. 2-420. Applicability of retailers' occupation tax.

The retailers' occupation tax as now or hereafter imposed by the city shall apply to persons in the business of renting, leasing or letting of hotel rooms in the city to the same extent as if such provisions were included in this division.

(Code 1972, § 2-239)

Sec. 2-421. Authority to promulgate additional regulations.

The city treasurer may promulgate rules and regulations not inconsistent with the provisions of this division concerning the enforcement and application of this division. For purposes of this section, the term "rules and regulations" includes but is not limited to case-by-case determinations of whether or not the tax imposed by this division applies.
Sec. 2-422. Suspension of licenses.

If the mayor, after hearing held by or for the mayor, shall find that any person has willfully avoided payment of the tax imposed by this division, the mayor may suspend or revoke any or all city licenses held by such tax evader, including but not limited to a liquor license. The operator of the hotel shall have an opportunity to be heard at such hearing, to be held not less than five days after notice of the time and place of the hearing to be held, addressed to the operator at the operator's last known place of business.

Sec. 2-423. Penalty.

Any person who violates any of the provisions of this division shall, in addition to such other relief as the law may afford, be punishable as set forth in section 1-8.

Secs. 2-424—2-430. Reserved.

DIVISION 3. SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

Sec. 2-431. Simplified municipal telecommunications tax.

The rate of the simplified municipal telecommunications tax imposed under the authority of the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1 et seq.) upon the act or privilege of originating in the municipality or receiving in the municipality intrastate or interstate telecommunications by a person is hereby changed to six percent of the gross charges for such telecommunications purchased at retail.

Sec. 2-432. Tax imposed.

The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this division.
Secs. 2-433—2-450. Reserved.

DIVISION 4. RESERVED [14](15)
Secs. 2-451—2-461. Reserved.

Secs. 2-451—2-461. Reserved.

DIVISION 5. MUNICIPAL RETAILER’S OCCUPATION TAX AND MUNICIPAL SERVICE OCCUPATION TAX

Sec. 2-462. Title.

Sec. 2-463. Tax imposed.

(b) The tax shall be imposed in accordance with the guidelines set forth in the Illinois State Statutes cited as 65 ILCS 5/8-11-1.4.
Sec. 2-464. Collection and enforcement of tax.

The tax hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the department of revenue of the state. The department of revenue shall have full power to administer and enforce the provisions of this division.

(Ord. No. 2898, § 5, 12-2-02)

Sec. 2-465. Tax repealer date.

This tax shall be repealed December 31, 2008.

(Ord. No. 2898, § 6, 12-2-02)

ARTICLE XI. EMERGENCIES AND DISASTERS

Sec. 2-466. Definitions.

Sec. 2-467. Declaration of emergency.

Sec. 2-468. Emergency powers.

Sec. 2-469. Termination of emergency powers.

Sec. 2-470. Notice.

Sec. 2-471. Disaster plan.

Secs. 2-472—2-475. Reserved.

Sec. 2-466. Definitions.

As used in this article the following words shall have the following meanings respectively set out for each:

Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property, resulting from any natural or manmade cause including but not limited to fire, flood, earthquake, wind, storm, water contamination, epidemic, air contamination, extended periods of severe and inclement weather, infestation, critical shortage of fuel or energy, explosion, mob action, riot or hostile military or paramilitary action.

Emergency means a combination of circumstances requiring immediate action to suppress or prevent the spread of disease or to remove imminent danger to persons or property, and includes disasters.

Curfew means the general prohibition against any person or persons being upon the streets, alleys, ways or public places in the City, or specified parts thereof, or moving from place to place by whatever means, excepting those having a continuing responsibility to the public during the emergency or disaster, and those that may be specifically exempted for a particular purpose by the authority charged with enforcing said prohibition.
Sec. 2-467. Declaration of emergency.

In the event of the occurrence of facts appearing to constitute an emergency the mayor, or the mayor pro tem, or any officer of the city lawfully acting in the stead of either if they then not be immediately available, may declare or proclaim the existence of such emergency by signing a statement of the existing facts constituting the emergency and at that time, or within a reasonable time thereafter, when circumstances permit, taking oath as to the truth of said statement. Such statement shall be filed with the city clerk as soon as practicable.

Sec. 2-468. Emergency powers.

Upon the proclamation or declaration of an emergency or at any time during the continuation thereof, to the extent deemed necessary to meet said emergency and to protect and conserve the public health, safety and welfare, the authority responsible for the same shall have the power and authority:

1. To suspend the provisions of any regulatory ordinance or statute prescribing procedures for the conduct of the government or affairs of the city, if strict compliance therewith would prevent, hinder or delay action necessary to cope with the emergency;

2. To utilize all available resources of the city as are reasonably necessary to cope with said emergency;

3. To enforce a curfew throughout the city or any part or parts thereof with such conditions as to application, time or otherwise as deemed necessary, or to control ingress and egress to or from the city, or any part or parts thereof, the movement of persons therein, or the occupation of premises therein;

4. To suspend or limit the sale, dispensing, delivery or transportation of alcoholic liquor, firearms, ammunition, explosives, corrosives, flammables or combustibles:

5. To recommend and enforce evacuation of all or a part of the population of any stricken or threatened area if necessary for the preservation of life or other emergency mitigation, response or recovery, and to prescribe routes, modes of transportation and destination in connection therewith;

6. To exercise any power or perform any function of the corporate authority of the city;

7. To close commercial establishments, places of amusement or accommodations, establishments licensed to sell alcoholic liquors and other places of public resort;

8. To control, restrict and regulate the use, sale or
distribution of food, fuel, clothing, and other commodities, materials, goods or services;

(9) To perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the community and its population.

(Ord. No. 15-23, § 2, 7-20-15)

Sec. 2-469. Termination of emergency powers.

Said proclamation or declaration and the powers and authority attached thereto shall extend until terminated by the issuing authority, but in no event beyond adjournment of the next regular or special meeting of the council subsequent to the issuance thereof, except that said limitation shall not prevent issuance of additional proclamations or declarations.

(Ord. No. 15-23, § 2, 7-20-15)

Sec. 2-470. Notice.

Upon issuance thereof notice of such proclamation or declaration, or of exercise of any power or authority responsive thereto, shall be as widely disseminated as the conditions of the time permit, but in no event less than communication of the substance thereof by the most direct means then available to such news media as may then be reached, whether by telephone, hand delivery or otherwise, and by posting a copy thereof at the city hall or at the place from which the emergency operations are being centrally controlled.

(Ord. No. 15-23, § 2, 7-20-15)

Sec. 2-471. Disaster plan.

The City Council of the City of Macomb has adopted the City of Macomb, Illinois, Disaster Plan, and all subsequent amendments, to manage the responses by multiple agencies to disasters that impact the City of Macomb. A copy of the disaster plan is to be kept at the office of the Macomb City Clerk.

(Ord. No. 15-23, § 2, 7-20-15)

Secs. 2-472—2-475. Reserved.

Chapter 3 ADVERTISING AND BILLBOARDS [1][16]

ARTICLE I. IN GENERAL

Sec. 3-1. Advertising by sound.

Sec. 3-2. Posting bills.

Sec. 3-3. Advertising unlawful business.

Sec. 3-4. Injuring or defacing advertisements.
Secs. 3-5—3-20. Reserved.

Sec. 3-1. Advertising by sound.

No person shall advertise any show or amusement or any meal or lunch or the sale of goods, wares, merchandise or other articles by ringing a bell or by making a noise or music in any street, alley or public place unless the person shall first obtain permission to do so from the chief of police, which permission may be revoked at any time by the chief of police.

(Code 1972, § 3-1)


Sec. 3-2. Posting bills.

It shall be unlawful for any person to post any bills or advertisements on any public property without the authority of the city council, and it shall be unlawful to post any bill or advertisement on any property without written consent of the owner thereof.

(Code 1972, § 3-2)

Posting signs on public property, § 20-8.


Sec. 3-3. Advertising unlawful business.

It shall be unlawful to advertise any unlawful business or article in the city.

(Code 1972, § 3-3)

Sec. 3-4. Injuring or defacing advertisements.

It shall be unlawful to injure or deface any lawful advertisement or notice.

(Code 1972, § 3-4)

Secs. 3-5—3-20. Reserved.

ARTICLE II. RESERVED [2](17)

Secs. 3-21—3-25. Reserved.

Secs. 3-21—3-25. Reserved.

Chapter 4 LIQUOR CODE [1](18)
ARTICLE I. IN GENERAL

Sec. 4-1. Title.

This chapter shall be known and may be cited as the Macomb Liquor Code.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-2. Intent.

It is hereby declared to be the intent and purpose of the city council in adopting and administering the provisions of this chapter:

(1) To declare that the control of the availability of alcoholic liquor to the public in general and to minors in particular promotes the public health, safety and welfare;

(2) To encourage responsibility in the consumption of alcoholic liquor by sound and careful control and regulation of the sale and distribution thereof; and

(3) To ensure that the number of retail outlets and the manner in which they are operated is such that they can be adequately policed by local law enforcement agencies so that the abuse of alcohol and the occurrence of alcohol-related crimes and offenses is kept to a minimum.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-3. Definitions.

For purposes of this chapter the following words and phrases shall have the meanings set forth in this section unless the context clearly requires otherwise:

**Agent** means every officer, associate, member, representative, manager, partner, director, shareholder, employee or other person acting with the knowledge of and on behalf of a licensee.

**Alcohol** means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol.

**Alcoholic liquor** means alcohol, spirits, wine and beer, and every liquid or solid, patented or not.

**Applicant** means the person or persons required to sign the application for a
liquor license under this chapter.

Beer means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Bottomless means being without clothing or substantially without clothing or other covering on an area of the body from the waist downward to an area on the body which area would cover the buttocks or genital area of the body.

Bowling alley means every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling played with composition balls and ten wooden pins, is played.

Business day means any calendar day except a Saturday, Sunday or legal holiday; provided that, whenever a legal holiday is observed on a Monday, that Monday also shall be deemed a legal holiday.

Caterer or caterer retailer means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

Change of form of ownership means any change by a licensee in the legal form in which it does business.

Change of ownership means any gift, sale, exchange or transfer, whether voluntary or involuntary, of any interest in the amount of 25 percent or more in any business entity holding a license under this chapter.

Church means any building where regular public worship is held or where those functions and facilities normally associated with a church are conducted or available.

Club means a corporation organized under the law of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this chapter two copies of a list of names and residences of its members, and similarly files within ten days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.
Convenience store means any retail establishment, offering for sale any pre-packaged food items, household items, and goods commonly associated with the same, with or without the sale of gasoline, and having a gross floor area of not more than 7,500 square feet.

Delivery means any act of giving or transferring, in any manner or by any means, alcoholic liquor from one person to another, whether as principal, proprietor, agent, servant, or employee. In addition, delivery shall include any act by a licensee or by any agent, servant or employee of a licensee, whereby any person to whom any alcoholic liquor is originally given or transferred then subsequently gives or transfers the alcoholic liquor to another person.

Employee party means an assembly of persons at a licensed establishment, composed solely of the employees of that establishment and their spouses/significant others and immediate family members, or, in lieu of an employee's spouse/significant other, one guest, at which assembly the alcoholic liquor that is permitted to be sold during regular hours may be consumed, possessed, or made available, but not sold.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 25 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

Keg means any cask, barrel or other container having a capacity of two or more gallons.

License year means the 12-month period beginning with the date of license issuance.

Licensed premises means the area as described in an application where alcoholic liquor is served, stored or sold and other areas located within the same or an adjoining building or structure which areas are integrally related to the operation of the licensed establishment. Licensed premises shall not include any area located outside any building or structure, and upon or adjoining the licensed premises, unless such exterior area is specifically designated in a license issued for such premises.

Licensee means any person, firm, partnership, corporation or other entity holding a license under the terms of this chapter.

Local liquor control commissioner, liquor control commissioner, liquor commissioner or commissioner means the mayor of the city.

Original package means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and convey any alcoholic liquor.

Package sale means any sale at retail, or any offer to sell at retail, any alcoholic
liquor in its original package which is not to be consumed, in whole or in part, on the premises where it was sold.

*Person* means an individual, corporation, partnership, joint venture, limited liability company, decedent's estate, trust estate, unincorporated association, or other entity.

*Private party* means an assembly of persons at a licensed establishment, composed solely of individuals whose names are provided to the commissioner in advance, with such party to occur in lieu of the licensed establishment being open to the public and at which party alcoholic liquor may be sold to members of such assembly during regular hours. Such party shall be held by a licensee only upon special application to, and approval of, the commissioner.

*Public property* means any real estate owned, controlled, or managed by the city, the County of McDonough, the Macomb Park District, the Macomb Public Library District, the Macomb Community Unit School District No. 185, or Western Illinois University. Any street, alley, sidewalk, public parking lot, parkway, school grounds, commons, park, square, public playground, or other similar location which is generally open for use by the general public shall be considered public property.

*Resident* means any person who has resided and maintained a bona fide residence in the State of Illinois for at least one year and in the city, or within a five-mile radius of the city, for a period of at least 90 days before making application.

*Restaurant* means any public place, without sleeping accommodations, which is kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served; a restaurant must have an adequate and sanitary kitchen and adequate dining room equipment and capacity, and it must employ a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

*Retailer* means a person who sells, or offers to sell, alcoholic liquor for use or consumption and not for resale in any form, except as provided by state law.

*Sale* means any transfer, exchange, or barter in any manner, or by any means, for consideration, including sales made by any person, whether principal, proprietor, agent, servant or employee, and including, but not limited to, any of the following acts when done for consideration:

1. The sale of alcoholic liquor;
2. The gift of alcoholic liquor;
3. The dispensing of alcoholic liquor;
4. The pouring of alcoholic liquor;
5. The serving of alcoholic liquor;
6. The providing of mix, ice, water or glasses for the purpose of consumption of alcoholic liquor on the premises;
7. The providing of "set-ups" containing alcoholic liquor;
8. The storage of any alcoholic liquor.
Sale/sell at retail means sales for use or consumption and not for resale in any form.

Set-up establishment means any person who:

(1) Does not hold a liquor license issued under this chapter but who sells, gives away, pours, stores, or otherwise dispenses alcoholic liquor and/or glasses, mix, ice, water and soft drinks for the purpose of consumption of alcoholic beverages on the premises; or

(2) Holds a liquor license under this chapter and, after the hours of permitted operation under this chapter, engages in any of the activities described in subsection (1) above.

Special event retailer means an educational, fraternal, political, civic, religious, or non-profit organization which sells, or offers to sell, beer and/or wine, only for consumption at the location and on the dates designated by its special event license.

Special use permit license means a license for use by a retailer to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a specific event.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, including brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Topless means being without clothing or covering of the breast area at or below the areola.

Wine means any alcoholic beverage obtained by fermentation of the natural contents of fruits or vegetables and containing sugar, including any beverages fortified by the addition of alcohol or spirits.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-52, § 2, 12-1-14)

Similar provisions, 235 ILCS 5/1-3 et seq.

Secs. 4-4—4-30. Reserved.

ARTICLE II. LOCAL LIQUOR CONTROL COMMISSIONER

Sec. 4-31. Designation of local liquor control commissioner.

Sec. 4-32. Powers and duties of commissioner.

Sec. 4-33. Local liquor control commissioner to maintain records.

Sec. 4-34. Local liquor control commissioner to issue licenses.

Sec. 4-35. Hearings.

Sec. 4-36. Hearing procedures.
Sec. 4-37. Decision and penalties.

Sec. 4-38. Appeals.

Sec. 4-39. Emergency closing of licensed establishment.

Sec. 4-40. Establishment of a liquor control advisory commission; powers and limitations.

Sec. 4-41. Membership and organization.

Sec. 4-42. Meetings.

Sec. 4-43. Notification of the public and adjacent owners.

Secs. 4-44—4-50. Reserved.

**Sec. 4-31. Designation of local liquor control commissioner.**

The Mayor of the City of Macomb shall be the local liquor control commissioner.

*(Ord. No. 05-27, § 2, 9-12-05)*

**Sec. 4-32. Powers and duties of commissioner.**

The local liquor control commissioner shall have the powers, functions, and duties delegated to the local commissioner by the state, including the following:

1. To receive applications for city liquor licenses, to investigate applicants, to issue new liquor licenses, and to renew liquor licenses;

2. To receive complaints from city residents that the provisions of this chapter or state law have been violated, or are being violated, and to investigate and act upon those complaints;

3. At any time, to enter, or to authorize any law enforcement officer to enter, any licensed premises to determine whether any provisions of this chapter or of state law have been violated, or are being violated, and, at that time, to examine the licensee's premises;

4. To appoint deputies or other persons to assist him in the performance of his duties and responsibilities as local liquor control commissioner;

5. To require any licensee, at any reasonable time, to produce the books and records of that licensee's liquor operations for inspection and examination;

6. To require any licensee, from time to time and at reasonable times, to file reports or to provide information about the operation of that licensee's establishment to permit proper enforcement of this chapter or of state law;

7. To promulgate rules and regulations consistent with
local and state laws;

(8) To convene and conduct hearings upon receipt of a complaint or information that a violation of this chapter has occurred; to conduct hearings concerning the fitness of any person to receive, to continue to hold, or to renew any license issued under this chapter; to administer oaths, to issue subpoenas to compel the attendance of witnesses and the production of relevant documents or other evidence; to receive testimony and to take proof; to make findings of fact and determinations of law; and to enter written orders and decisions;

(9) To represent the city on any appeal of any action taken under this chapter;

(10) To prescribe penalties for violations of this chapter and state law and to enforce those penalties. Permissible penalties shall include:

a. A written reprimand;

b. A fine of up to $1,000.00 for each violation, but not more than $10,000.00, against a licensee during a license year;

c. A suspension of a license for not more than 30 days for each violation;

d. A revocation of a license for cause;

(11) To keep and maintain books and records concerning the performance of his duties, functions and responsibilities under this chapter;

(12) To receive license fees, fines and other moneys under this chapter and to promptly deposit those funds with the city treasurer or designated financial officer;

(13) With the assistance of the city's legal counsel, to initiate legal proceedings on behalf of the city regarding the duties, functions and responsibilities under this chapter;

(14) To declare the existence of an emergency and, thereafter, to alter the hours of operation of any licensee and to take any other action which may be necessary or proper because of that emergency.

(15) To notify the Illinois Secretary of State where a club incorporated under the General Not For Profit Corporation Act or a foreign corporation functioning as a club in Illinois under a certificate of authority issued under that Act has violated the Illinois Liquor Control Act or this chapter by selling alcoholic liquor at retail, or by offering it for sale at retail, without a license; and

(16) Emergency powers.
a. The commissioner shall have the authority to impose an emergency order containing one or more of the restrictions set forth herein upon the operation of retail liquor license holders in a geographic area described in the order, for a period of up to 48 hours, when the commissioner has a reasonable belief that there may be a threat to the public health, safety and welfare from celebratory activities by members of the public in response to a noteworthy athletic event, or from some other form of anticipated public assembly or civil unrest. Factors justifying a reasonable belief in the need for an emergency order entered under this subsection may include, among other factors, the City of Macomb's or other cities' experience with civil unrest under similar circumstances.

b. The commissioner may include one or more of the following restrictions in any emergency order entered pursuant to this section.

1. Restrictions upon sales of alcoholic liquor for consumption on the premises of the license holder:
   A. Limiting the hours and/or days of operation.
   B. Limiting the size of drinks.
   C. Restricting the types of containers used to serve beverages.
   D. Restricting or prohibiting the sales of drinks of undiluted spirits.
   E. Imposing a requirement upon those holding Class A liquor license that a specified number of employees of the licensee who are 21 years of age or older be assigned the responsibility of checking IDs of all patrons entering the licensed premises to insure that they are of legal age to enter.
   F. Imposing the requirement upon those holding Class A retail liquor license that entry upon the premises be restricted to those patrons age 21 or older.

2. Restrictions upon sales of alcoholic liquor for consumption off the premises of the license holder:
   A. Limiting the hours and/or days of operation.
B. Prohibiting the sale of alcoholic liquor in glass and/or metal containers of less than one liter in volume.

C. Requiring proof of a valid keg permit prior to the sale of one or more kegs with a cumulative capacity in excess of 16 gallons to an individual person or entity.

D. Prohibiting or restricting the sales of kegs.

E. Requiring completion of an adult responsibility form prescribed by the liquor commissioner prior to the sale of the following quantities of alcoholic liquor to an individual person or entity:

   i. One hundred sixty-eight or more 12-ounce containers of beer or malt beverage.

   ii. Twenty-four or more one-liter containers of distilled spirits or wine.

F. Restricting or prohibiting the sales of undiluted spirits.

c. An emergency order entered pursuant to this section shall be in writing and shall, at a minimum, contain the following information:

1. The basis for the emergency order.

2. A description of the geographic area that is affected by the order.

3. A description of the types of liquor licenses that are covered by the order.

4. The dates and times during which the order will be in effect.

5. A description of each of the aforementioned restrictions that are being imposed during the time the order is in effect.

d. An emergency order entered pursuant to this section shall be filed with the city clerk as soon as is practicable, and shall be served upon each of the retail liquor license holders that will be regulated by said order in one or more of the following ways:

1. By personal delivery upon an
agent of the licensee at least 24 hours prior to the time the order goes into effect.

2. By first class mail, addressed to the licensee at the licensee’s premises, deposited in the U.S. mail at least three days, excluding weekends and holidays, before the order goes into effect.

3. If service by the means set forth in subsection 1. or 2. above is impractical due to the exigencies of the circumstances, then notice shall be provided in a manner reasonably calculated to inform the licensees regulated by said order.

e. No licensee shall violate the terms of an emergency order issued pursuant to this subsection.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 12-12, § 2, 3-5-12)

Sec. 4-33. Local liquor control commissioner to maintain records.

The commissioner shall maintain in his office, or shall cause to be maintained under his direction and supervision, the records relating to his duties, functions, and responsibilities under this chapter, including applications for licenses, records of applicant or licensee investigations, meeting agenda and minutes, records of hearings, and other relevant information.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-34. Local liquor control commissioner to issue licenses.

Upon receipt of a properly completed application and such other supporting documents as the commissioner may require and after a complete and thorough investigation, the commissioner may issue a license under this chapter to any properly qualified applicant pursuant to the terms, conditions and restrictions of this chapter.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-35. Hearings.

The commissioner may convene and conduct a public hearing into any matter relating to this chapter whenever, in his discretion, he finds it appropriate to do so. In addition, public hearings shall be held in the following instances:

1. Upon receipt of an application for a new license or an application for renewal of an existing license, when the commissioner determines that receipt of formal evidence is necessary or if the applicant requests a hearing;

2. Upon denial of an application for a new license or upon denial of an application for renewal of an existing license, if the applicant requests a hearing;
Upon complaint, or upon report, that a licensee has violated a provision of this chapter or of state law.

(Ord. No. 05-27, § 2, 9-12-05)

**Sec. 4-36. Hearing procedures.**

The commissioner shall observe the following procedures in conducting hearings under this chapter:

1. At all times every licensee shall be afforded due process, including the right to personally appear before the commissioner or any hearing officer; the right to demand written specification of any charges against him a reasonable time in advance of any hearing; the right to employ, and to be represented by, counsel during all proceedings; the right to testify in his own behalf or refuse to testify; the right to present witnesses in his behalf and to request that subpoenas be issued to compel the attendance of witnesses; the right to hear the witnesses and evidence against him; and the right to cross-examine witnesses.

2. No license shall be revoked or suspended, and no licensee shall be fined, except after a hearing by the local liquor commissioner. A three-day written notice must be given to the licensee to provide an opportunity to appear and defend. The hearing shall be open to the public, and the local liquor commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings.

3. The three-day notice and hearing provision may be waived, and the local liquor commissioner may order a licensed premises to close for seven days or less, if the local liquor commissioner has reason to believe that the continued operation of a particular licensed premises will immediately threaten the welfare of the community. Under those circumstances, he may issue a written order to the licensee, stating the reasons for his conclusion and giving the licensee an opportunity to be heard during the closed period. If the licensee also conducts another business on the licensed premises, the order shall not apply to that other business.

4. All witnesses that appear and testify at the public hearing shall be sworn.

5. Strict rules of evidence shall not apply to any hearing under this chapter. Evidence determined by the commissioner to be irrelevant, immaterial, or unduly repetitious may be excluded. Evidence that is commonly relied upon by reasonably prudent men in the conduct of their business may be admitted.

6. At any public hearing, the liquor control advisory commission members shall attend as silent observers and shall give the local liquor commissioner a written advisory opinion at the conclusion of the hearing.

7. The commissioner may reopen any hearing to receive
new evidence not discovered or available at the original hearing.

(8) If an official record of proceedings is required to be prepared and certified by a certified court reporter or a certified shorthand reporter, such as for appeal purposes, the cost of the reporter's attendance at the public hearing and the cost of the transcript shall be paid by the licensee.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-37. Decision and penalties.

(a) If, after the hearing, the local liquor commissioner determines that the license should be suspended or revoked or that the licensee should be fined, he must prepare and serve a written order within five business days of the hearing date, stating his determination - amount of fine, length of suspension, and/or revocation - and the reasons for his determination.

(b) In any case in which the commissioner determines that a violation of this chapter, state law, or applicable rules and regulations, has occurred, the commissioner may prescribe any of the following penalties:

(1) Direct a written reprimand to the licensee and place a copy of such reprimand on file in the licensee's liquor license application file.

(2) Impose a fine upon the licensee. Any fine imposed shall not exceed $1,000.00 for each violation. Each day on which a violation continues shall constitute a separate violation for which a separate fine may be assessed. No licensee shall be fined more than $10,000.00 in the aggregate during any license year.

(3) Suspend the licensee's liquor license for a period of not more than 30 days. In the case of a suspension, the suspension shall begin and end as specified by the commissioner in his written order.

(4) Revoke the licensee's liquor license.

(c) In all cases where the commissioner determines that a penalty is appropriate, the commissioner may consider the following criteria in deciding the nature of the penalty, the amount of any fine or the length of time of any suspension and whether revocation is warranted:

(1) The nature of the violation;

(2) The factual situation and circumstances as presented at the public hearing;

(3) Past action by the commissioner in similar situations;

(4) Facts or circumstances in aggravation or mitigation regarding the violation; and
Prior violations committed by the same licensee during the three license years immediately preceding the year in which the violation occurred.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-38. Appeals.

Any decision of the commissioner which imposes a penalty on a licensee may be appealed by that licensee to the state liquor control commission, provided that written notice of the appeal is filed with the commissioner and the state liquor commission within 20 days after service of the commissioner's written order upon the licensee. In its written notice, the licensee shall request the commissioner to arrange for the preparation of a full written transcript of the public hearing and to submit the written transcript to the state liquor commission. The commissioner may require the licensee to pay, in advance, the cost of preparation of the transcript.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-39. Emergency closing of licensed establishment.

In all cases where, in the opinion of the commissioner, public peace, public health or public safety is likely to be endangered by allowing a licensed establishment to remain open, the commissioner may order the closing of that establishment without giving prior notice and an opportunity for a hearing. In that event, the commissioner shall enter a written order, stating the reason(s) for the closing and the length of the closing; the closing period cannot exceed seven days. During the closing period, the commissioner shall provide the affected licensee an opportunity to be heard.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-40. Establishment of a liquor control advisory commission; powers and limitations.

A liquor control advisory commission is hereby established and given its authority by State law and by ordinance of the city council. The commission shall have the following powers and duties:

(1) To perform the duties and functions requested by the local liquor commissioner and the city council; and

(b) To be present at hearings held by the local liquor commissioner, sitting as a silent observer and submitting an advisory opinion to the local liquor commissioner on the decision and penalty.

All decisions and actions of the liquor control advisory commission are advisory only and are not binding upon the local liquor commissioner or the city council.

(Ord. No. 05-27, § 2, 9-12-05)
Sec. 4-41. Membership and organization.

(a) The liquor control advisory commission shall consist of three members appointed by the mayor, with the advice and consent of a majority of the city council.

(b) Each commission member shall serve a three-year term. The three-year terms shall be staggered. A member whose term has expired may be reappointed for another three-year term. The initial terms shall be as follows: one member shall serve a one-year term, one shall serve a two-year term, and one shall serve a three-year term.

(c) Any commission member may be removed from office by the mayor, with the advice and consent of a majority of the city council.

(d) If any vacancy occurs on the commission, the mayor, with the advice and consent of a majority of the city council, may appoint someone to serve the remainder of that commissioner's term.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-42. Meetings.

(a) The mayor shall schedule and notice a meeting of the liquor control advisory commission when there is business to address.

(b) At least one commission member must be present at that meeting. The city attorney and a designated alderman also must attend.

(c) The mayor shall act as chairman of the liquor control advisory commission.

(d) A commission meeting shall be open to the public and may be recorded by the city as permitted by law.

(e) The commission shall keep minutes of its meetings and shall record member absences, motions, votes, and abstentions.

(f) Every decision or determination of the commission shall be filed in the office of the mayor.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-43. Notification of the public and adjacent owners.

(a) Notice to all landowners within 250 feet of the property line of the proposed licensed premises shall be given by first class mail, no less than 15 calendar days and no more than 30 calendar days, before any public meeting at which the preliminary liquor license application is to be discussed. If the notification area includes a condominium, notice shall be given to the condominium association. Notice is presumed to have been given when mailed according to these provisions.
(b) A sign shall be posted in the front yard or front part of
the proposed licensed premises advising that a liquor license for the location is
under consideration. The sign shall remain until siting approval or disapproval is
granted by the city council.

(Ord. No. 05-27, § 2, 9-12-05)

Secs. 4-44—4-50. Reserved.

ARTICLE III. LICENSING PROCEDURES [2](19)

Sec. 4-51. License required.
Sec. 4-51.1. Forfeiture.
Sec. 4-51.2. Consumption, possession, and storage on unlicensed premises.
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Sec. 4-62. Change of business location, business size, or license classification.
Sec. 4-63. Change of form of ownership.
Sec. 4-64. No transfer of license to another entity; special provisions relating to death,
insolvency, or bankruptcy of licensee.
Sec. 4-65. Sale of licensed premises.
Sec. 4-66. Continuous operation.
Secs. 4-67—4-70. Reserved.

Sec. 4-51. License required.

(a) No person shall sell at retail, offer for sale at retail, or
display for sale within the corporate limits of the city, either personally or through
an agent, any alcoholic liquor without first obtaining a license as provided by this
chapter, or in violation of the terms of such license.

(b) No person who purchases or obtains any alcoholic liquor at retail shall resell, or offer for resale, that alcoholic liquor, either directly or indirectly, except pursuant to a license obtained as provided in this chapter.

(c) In subsections (a) and (b), "sale" or "sell" shall be presumed to include the exchange of money or other consideration for admission to an outdoor area, structure, dwelling unit, or any part of a structure where alcoholic liquor is being served in conjunction with the cost of admission or the event at which the liquor is served, whether or not other goods, services, or entertainment being provided for in the admission charge.

(d) Any person who violates subsection (a) or (b) of this section shall be fined no less than $500.00 and no more than $750.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-52, § 3, 12-1-14)

Sec. 4-51.1. Forfeiture.

(a) Any money obtained in the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises without a license in violation of section 4-51(a) or (b) or section 4-112 is hereby declared contraband and subject to forfeiture. Any police officer of the City of Macomb is hereby authorized to seize any proceeds of the sale of alcohol without a license in violation of section 4-51(a) or (b), or any sale of items for the purpose of consumption of alcoholic beverages on the premises without a license in violation of section 4-112 of the Macomb City Code and place said money in safekeeping in the City of Macomb.

(b) The police officer, upon seizure of money pursuant to section 4-51(a) or (b) or section 4-112, shall notify the person from whom it was seized of the right to a prompt post-seizure hearing. Any person claiming a right to the money seized shall be given a hearing in front of the chief of police or his designee to determine if probable cause exists for the seizure of the money. Said hearing shall occur within seven days of the request for the hearing and shall be limited to whether probable cause exists to believe that the money was obtained in the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises. Formal rules of evidence shall not apply, and hearsay shall be permitted at the hearing. If the chief of police or his designee determines that probable cause does not exist to believe that the money was obtained as a result of the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises, the city shall return the money to its rightful owner. If the chief of police or his designee finds that probable cause exists to believe the money was the proceeds of the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises, the chief of police or his designee shall order the continued holding of the funds until after a forfeiture hearing.

(c) Within 72 hours of seizure of money pursuant to this
section, the city shall send notice by ordinary mail to the person from whom the money was seized and any other persons the city reasonably believes may claim an interest in the money seized. The notice shall include information explaining how to request a forfeiture hearing in writing and that such a request must be made within 21 days. If a written request for a forfeiture hearing is received, the city administrator or his designee will preside over a hearing scheduled within 21 days of having received the written request for hearing. Said hearing shall be to determine by a preponderance of the evidence whether the money, or any portion thereof, was obtained as a result of the unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises. At the hearing, formal rules of evidence shall not apply, and hearsay shall be permitted. Any person claiming an interest in the money shall be given an opportunity to present evidence and be heard. If the city administrator or his designee at the forfeiture hearing determines that the money, or any portion thereof, was the proceeds of an unlawful sale of alcohol or sale of items for the purpose of consumption of alcoholic beverages on the premises as set forth in section 4-51(a) or (b) or section 4-112 of this Code, the city administrator or his designee shall declare the money forfeited to the city and that any claim of any person to the money is extinguished. If the city administrator or his designee determines that the money, or any portion thereof, was not the proceeds of an unlawful sale, the city shall promptly remit the money (or portion thereof) to the rightful owner. After 21 days after notice of seizure has been sent, pursuant to this section, and no written request for a forfeiture hearing has been received, the money shall be forfeited, and any claim to the money shall be extinguished.

(Ord. No. 12-62, § 2, 11-19-12; Ord. No. 14-20, § 2, 5-5-14)

Sec. 4-51.2. Consumption, possession, and storage on unlicensed premises.

(a) No owner, proprietor, associate, member, or officer, agent or employee thereof, of any establishment inviting or permitting public patronage, or use by club members and guests, shall in the ordinary course of operation permit the consumption or possession of, and no person shall consume or possess alcoholic liquors on the premises, and no person shall permit alcoholic liquor to be brought into or bring into such public place or club except those specifically licensed for possession, consumption or sale of alcoholic liquor on the premises.

(b) No person shall visit, frequent or patronize any house, building, store or place which such person knows or has reason to believe is established, operated or maintained for the purpose of selling alcoholic liquor without a license as required by this chapter.

(c) No person shall keep or store alcoholic liquor in any building or premises used in whole or in part for a nonresidential establishment of any type inviting or permitting public patronage or use by club members or guests, unless such establishment is licensed to sell alcoholic liquor.

(d) This section shall not be construed to prevent
possessio

(e) This section shall not be construed to prevent possession of alcoholic liquor for personal use in a nonresidential establishment inviting public patronage where that personal use is limited to occasional consumption by employees of the establishment only. Nor shall this section be construed to prevent the owner or occupant, but not third parties, from having an open house or employee party once a year where fifty (50) or fewer persons are in attendance upon the premises at any one time and where neither alcoholic liquor nor setups are sold. This subsection shall not apply to premises which are or should be licensed.

(f) Any person who violates any subsection of this section shall be fined no less than $500.00 and no more than $750.00.

Sec. 4-52. Application for liquor license.

(a) Application for a liquor license shall be made to the commissioner in writing, on the city's application form, and must be signed by an individual applicant, by all partners (if the license will be held by a general or limited partnership), by all joint venturers (if the license will be held by a joint venture), by all members of a limited liability company; or by an authorized officer (if the license will be held by a business or a not-for-profit corporation). Every applicant shall verify the truth and accuracy of the statements made and the information provided. The application may require the following statements and information:

(1) The name, age, Social Security number, driver's license number, date of birth and current residence address of each individual required to sign the application under this section.

(2) In the case of a business or not-for-profit corporation, the objective for which it was formed, the date and place of incorporation, and the name, age, Social Security number, driver's license number, birth date, and current residence address of every officer, director, shareholder holding five percent or more of the stock, or member.

(3) The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.

(4) The character of business of the applicant.

(5) The length of time that the applicant has been in business of that character.

(6) The location and description of the premises or
place of business which is to be operated under such license, and a
statement that the applicant either owns the premises or leases it for the
full term for which the license is requested.

(7) The license class(es) applied for by the applicant.

(8) The nature of any entertainment proposed to be
offered on the premises to be licensed.

(9) A statement as to whether food is to be sold on
the premises to be licensed.

(10) The length of time that the applicant has
resided within the city; or, in the case of a general or limited partnership,
the length of time that each partner has resided within the city; or, in the
case of a limited liability company, the length of time that each member
has resided within the city; or, in the case of a business or a not-for-profit
corporation, the length of time that a proposed resident manager has
resided within the city.

(11) A list of all governmental entities to
which applicant has submitted an application for a liquor license, the
dates on which such applications were submitted, the disposition of such
applications, the amount of and reason for any fine imposed upon
applicant under any other liquor license held by him and the dates,
reason and length of any suspension or revocation of any other liquor
license held by the applicant.

(12) A list of all convictions of the applicant
for all offenses, other than a violation of any traffic law of this or any
other state, except that the applicant shall also disclose any traffic
conviction involving, in any manner, drugs or alcoholic liquor and shall
indicate the nature of the offense and the date of conviction and
disposition.

(13) A statement that the applicant will testify
under oath and answer all competent, relevant, and material questions
directed to him at any hearing conducted by the commissioner, or by the
commissioner’s designated representative, either before or after the
issuance of a license to him, and that his failure to so testify shall be
sufficient reason to refuse to issue or renew any license or to suspend or
revoke any license that has been issued.

(14) A statement that the applicant will not
violate any of the laws of the State of Illinois or the United States, or any
ordinance of the city, in the conduct of his business.

(15) Responses to all questions directed to
the applicant on any forms provided to the applicant by the city.

(b) At the same time the applicant submits an application for
a license, the applicant also shall submit the following supporting documents:

1. If the applicant is a partnership, a copy of the partnership agreement.
2. If the applicant is a limited partnership, a copy of the certificate of limited partnership and the partnership agreement.
3. If the applicant is a limited liability company, a copy of the articles of organization.
4. If the applicant is a corporation, a copy of the certificate and articles of incorporation.
5. If the applicant is a foreign corporation, in addition to the other documents, a copy of its certificate of authority to operate in the State of Illinois.
6. For a corporation, current documentation from the secretary of state showing that the corporation is in good standing and showing any assumed names the corporation has adopted.
7. For any leased premises, a copy of the lease and any assignment, sublease, or extension.
8. An authorization to perform criminal background and credit checks.
10. A copy of the applicant's federal special tax stamp or registration.
11. A statement whether the applicant intends to obtain a state video gaming license and, if so, provide documentation to support that at least 60 percent of the establishment's annual gross revenue, at all times, shall be from food and beverage sales and that no more than ten percent of its space will be dedicated to video gaming. Applicants for a class C liquor license shall be exempt from this provision.
12. Copies of any other documents requested by the commissioner to support or clarify information contained in the application or any document submitted with the application.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 15-18, § 2, 6-15-15)

Sec. 4-53. Persons ineligible for liquor license.

No license under this chapter shall be issued to:

1. A person who is not a resident of the city.
(2) A person who is not of good character and reputation in the community in which he or she resides.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of:
   a. Committing a felony under any federal or state law;
   b. Keeping a house of ill fame; or
   c. Pandering or other crime or misdemeanor opposed to decency and morality.

(5) A person whose license issued under the Illinois Liquor Control Act has been revoked for cause.

(6) A person who, at the time of application for license renewal, would not be eligible for a license upon a first application.

(7) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five percent of the aggregate limited partner interest in such co-partnership, would not be eligible to receive a license for any reason other than residence, unless residency is, or becomes, required by local ordinance.

(8) A limited liability company, unless it is organized under the laws of the State of Illinois, or, if not so organized, unless it is admitted to transact business in this state, or if any member or manager would not be eligible to receive a license for any reason other than residence or citizenship.

(9) A corporation, if any officer, director, or manager, or any shareholder owning in the aggregate more than five percent of the stock of such corporation would not be eligible to receive a license for any reason other than residence or citizenship.

(10) A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in Illinois.

(11) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required by the licensee and specifically unless such manager or agent is a resident of the city and is a citizen of the United States.

(12) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who has forfeited bond for failure to appear in court to answer charges for any such violation.

(13) A person who does not beneficially own the premises for which a license is sought, or who does not have a lease for the full period for which the license is to be issued.
Any law enforcing public official, including a member of a local liquor control commission, a mayor, an alderman, a member of a city council or commission, a county board president, or a county board member, with the following exceptions pursuant to Section 6-2(a)(14) of the Liquor Control Act:

a. A law enforcing public official may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor relating to premises that are not located within the city if the issuance of the license is approved by the state liquor control commission; and

b. Effective on and after January 1, 2006, an alderman, a member of a city council or commission, or a county board member may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, or a county board president. However, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor cannot participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor.

A person who is not a beneficial owner of the business to be operated by the licensee.

A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of the Criminal Code, or as proscribed by Section 28-1.1 or 28-3 of the Criminal Code, or as proscribed by a statute replaced by any of those statutory provisions.

A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection (a) of Section 6-21 of the Illinois Liquor Control Act.

Sec. 4-54. Findings on issuance of license.

No license shall be issued under this chapter until the commissioner has determined that no reason exists to refuse to issue such license. This section shall apply to the initial issuance of any license and to every renewal, change of business location or physical size, change of classification, or reissue of any license. In all such cases, the commissioner shall consider the following factors in deciding whether or not to issue such license:
(1) The class of license applied for, the availability of a license in that class, and the appropriateness of issuing a license in that class.

(2) The eligibility of the applicant to receive a license;

(3) The financial responsibility of the applicant;

(4) The potential impact that the establishment will have on city services;

(5) The character, nature and location of the proposed establishment and the probable impact of a liquor establishment at that location upon the surrounding neighborhood and the city as a whole. In considering the impact, the commissioner shall take into account several factors, including the following:

   a. Proximity to residential neighborhoods;

   b. Proximity to schools, churches and synagogues;

   c. Potential impact on traffic safety;

   d. Potential adverse impacts on surrounding property values;

   e. Adequacy of street lighting in the vicinity and of exterior lighting of the proposed location;

   f. Availability of on-street and off-street parking in the area; and

   g. Availability of sidewalks in the area if significant pedestrian traffic is anticipated.

(6) The general design, layout and contents of the proposed establishment.

(7) Whether the applicant proposes to furnish live entertainment and, if so, the nature of the entertainment.

(8) The compliance of the proposed location with all applicable federal and state laws and city ordinances, including the city's building, health, safety, property maintenance, and zoning ordinances.

(9) The proposed operation of the establishment, including staffing levels, the ability and commitment to abide by laws and regulations, and the ability to effectively monitor activities both within and without the establishment.

(10) The past performance of the applicant, if applicable, under any license previously issued under this chapter.

(11) Whether issuance of the license would be in the best interests of the city.
Sec. 4-55. Site approval.

(a) No new license shall be issued, and no change of physical location or business size shall be granted, until the proposed location has been investigated and approved by the mayor and a majority of the city council. No location may be approved for licensing, and no license shall be issued, for any premises:

(1) That are within 100 feet of any church, school (other than an institution of higher learning), hospital, home for the aged, indigent or military service veteran (or the veteran's spouse or children), or military or naval station.

(2) Where the majority of the customers are minors or where the principal business consists of selling or providing school books, school supplies, food, lunches, or drinks to minors.

(b) The requirements of subsection (a)(1) shall not apply to a hotel, club, restaurant, food shop, or any other place where the sale of alcoholic liquor is not the principal business. They also do not apply to the renewal of a license for the retail sale of alcoholic liquor on premises within 100 feet of any church or school where the church or school was established after the issuance of the original license at that location.

Sec. 4-56. Investigation of applicant.

(a) An applicant for a new liquor license shall be required to undergo a complete investigation of his background, including a thorough examination of the applicant's criminal history by appropriate law enforcement officials and a thorough examination of the applicant's financial circumstances and credit history. A complete investigation need not be done when an applicant seeks to renew its city liquor license unless the applicant's circumstances have changed since the date of its last application.

(b) The applicant shall complete all forms submitted by the commissioner and shall cooperate in every respect with the commissioner in the investigation.

(c) The commissioner shall have the right to require fingerprints of any applicant for a new license or for a license renewal. Each applicant shall submit his or her fingerprints to the department of state police in the form and manner prescribed by the department of state police. These fingerprints shall be checked against the fingerprint records contained in the criminal history record databases of the department of state police and the Federal Bureau of Investigation. The department of state police shall charge a fee for conducting the criminal history records check, which shall be deposited
in the state police services fund, and shall not exceed the actual cost of the
records check. The department of state police shall furnish records of conviction
to the commissioner pursuant to positive identification. For purposes of
obtaining fingerprints under this section, the commissioner shall collect a fee
and forward the fee to the appropriate policing body, who shall submit the
fingerprints and the fee to the Illinois Department of State Police.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-57. Display of license.

Every license issued under this chapter shall be prominently displayed upon the
licensed premises by the licensee.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-58. License term.

A local license will not be issued by the local liquor commissioner until the
licensee has met the required qualifications, has provided all of the required information and
documents, and has paid the required local, state, and federal fees. After it is issued, the local
license will be valid until the expiration date of the licensee's state liquor license, unless action
is taken before then to suspend or revoke it.

(Ord. No. 05-27, § 2, 9-12-05)

Section 4-59. License renewal.

A licensee may apply to renew its license by submitting a renewal application,
with the required license fee, to the local liquor commissioner at least 21 days before the
license expiration date. If any of the required documents expire and are renewed during the
new license year, copies of the renewed documents should be sent upon receipt to the local
liquor commissioner.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-60. Insurance.

Every applicant for a license shall furnish to the commissioner with his
application, evidence of insurance coverage against dram shop liability as provided by Section
6-21 of the Illinois Liquor Control Act covering the licensee and the owner of the premises for
the entire term of the license. Evidence of continued coverage shall be provided each year
thereafter as a condition of renewal of any license.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-61. Separate license required for each location.

A separate license under this chapter must be issued for each location desired
by an applicant. No more than one license may be issued for any one licensed premises.
Sec. 4-62. Change of business location, business size, or license classification.

Any licensee who wishes to move the location of the licensed business, to expand the licensed business, or to change the classification of its liquor license shall submit an application to the commissioner requesting the change not less than 90 days before the change is requested to occur.

Sec. 4-63. Change of form of ownership.

Whenever a licensee changes the manner in which it conducts its business at the licensed premises, the licensee shall inform the commissioner of the change. The licensee’s new business entity shall be required to meet the requirements of this chapter in order to be eligible to continue to hold the license previously issued to licensee.

Sec. 4-64. No transfer of license to another entity; special provisions relating to death, insolvency, or bankruptcy of licensee.

(a) Every license issued under this chapter shall be a purely personal privilege and shall not constitute property, nor shall the license be subject to attachment, garnishment or execution. No license issued under this chapter shall be alienable or transferable, either voluntarily or involuntarily, or subject to being encumbered or hypothecated.

(b) No license issued under this chapter shall be subject to transfer by testate or intestate succession, but shall cease upon the death of the licensee; however, upon the death of any licensee, the executor or administrator of such deceased licensee's estate may continue to operate the licensee's business on the licensed premises under court order and may exercise the privileges of the licensee under that license until its expiration date or for a period of six months after the date of the licensee's death, whichever occurs first.

(c) In the event of the bankruptcy or insolvency of any licensee, any trustee or receiver appointed by an appropriate court for the estate of such licensee may continue to operate the business of the licensee on the licensed premises until expiration of such license or for a period of six months from the date of the licensee's bankruptcy or insolvency, whichever occurs first.

Sec. 4-65. Sale of licensed premises.

Whenever a licensee has entered into a contract to sell a business to which a
liquor license has been issued, the licensee shall immediately notify the commissioner. When
the business sale is closed, the license lapses. If the new owner of the business desires a
liquor license, the owner must make application to the commissioner for whatever class of
license is desired and must comply with all application requirements.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-66. Continuous operation.

Every licensee shall be required to continuously operate his business on a
normal and regular basis throughout the license year. If, at any time during the license year, a
licensee's business is not in operation for a continuous period of 60 days, then the licensee's
failure to operate the business shall be a prima facie violation of this section. A licensee may
establish a bona fide reason for not operating his business, such as by showing that the
business is closed for vacation, for remodeling, because of serious illness of the business
owner, or for some other reasonable purpose. The commissioner may suspend any licensee's
license temporarily for violation of this section and until proper business operations are
resumed. In the event that operations are not properly and timely resumed, the commissioner
may revoke the license.

(Ord. No. 05-27, § 2, 9-12-05)

Secs. 4-67—4-70. Reserved.

ARTICLE IV. LICENSE CLASSIFICATION, NUMBERS, AND FEES

Sec. 4-71. License classifications and general provisions.

Sec. 4-72. Class A license.

Sec. 4-73. Class P license.

Sec. 4-74. Class C license.

Sec. 4-75. Class H license.

Sec. 4-76. Class R license.

Sec. 4-77. Class B license.

Sec. 4-78. Class OC license.

Sec. 4-79. Class SE license.

Sec. 4-80. Special privileges available to licensees.

Sec. 4-81. Creation of licenses.

Sec. 4-82. Calculation of license fees.

Sec. 4-83. Application fee.

Sec. 4-84. Regulations applicable to licensees with state video gaming licenses.

Secs. 4-85—4-90. Reserved.
Sec. 4-71. License classifications and general provisions.

A license issued under this chapter shall be one of the primary license classes specified in this article—A, P, C, H, R, B and SE and may include any one or more of the applicable supplementary licenses—Extended hours (EH), Sunday sales (SS), outdoor location (OL), package sales (OP), product sampling (PS), and catering (CS). All liquor sold for consumption on a licensed premises shall be consumed within the enclosed permanent structure unless written authority is obtained from the liquor commissioner for consumption in an adjacent outdoor area. No liquor may be sold from a drive-up window.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-56, § 3, 11-20-06)

Sec. 4-72. Class A license.

A class A license may be issued by the commissioner if the following requirements are met:

(1) The individual or corporation will be engaged, or is engaged, in the retail sale of alcoholic liquor, and the individual or corporation will be selling, or is selling, alcoholic liquor by the drink, in pitchers, or in other open containers for consumption on the licensed premises.

(2) If the individual or corporation is operating, or will be operating, a bowling alley, it may sell alcoholic liquor for consumption on the licensed premises on Sundays after obtaining a supplementary license (class SS) and paying an additional annual fee, but no package sales may occur on Sundays.

(3) Once the class A license is issued, the license holder may sell beer and wine in their original packages for consumption off premises after obtaining a supplementary license (class OP) and paying an additional annual fee.

(4) Once the class A license is issued, the license holder may operate an outdoor location upon written permission of the local liquor commissioner, after obtaining city council approval, meeting the following additional conditions, paying an additional annual fee, and obtaining a supplementary license (class OL):

a. The outdoor location must be next to the permanent structure on the licensed premises.

b. The perimeter of the outdoor location must be secured by a permanent fence or a wall which is at least 6 feet high and must meet other city code requirements.

c. The outdoor location must be accessed only from the permanent structure and not from any street, sidewalk, or adjoining property, and must have emergency exits as required by city ordinances.
d. No loud music may be played in, or broadcast to, the outdoor location, to such a degree that it will disturb the occupants of neighboring structures, and no music shall be played in, or broadcast to, the outdoor location after 10:00 p.m.

e. No bar may be located or operated in the outdoor location, except upon notification and approval of the local liquor commissioner and city council.

(5) No person under age 20 is allowed to enter and remain upon the licensed premises unless he or she is accompanied by his or her parent or legal guardian, except that, in the case of a bowling alley, a person under age 20 may enter and remain on the premises but is not allowed in the area where alcoholic liquor is served or sold unless he or she is accompanied by a parent or legal guardian.

(6) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages, to tend bar, or to sell any beer or wine for off-premises consumption, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.

(7) Hours of operation:

a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);

b. Upon paying an additional annual fee and obtaining a supplementary license (class EH), the license holder may extend the midnight closing time on Monday through Saturday to 1:00 a.m., and may further extend it to 2:00 a.m. on Fridays and Saturdays only;

c. Upon paying an additional annual fee and obtaining a supplementary license (class SS), a class A bowling alley may serve patrons on Sundays, from 11:00 a.m. to 12:00 a.m. (midnight) (with no package sales);

d. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.

e. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required: The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.

f. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner
that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.

(8) License renewal and supplementary license fees:

a. $1,996.50, plus current occupancy number = annual renewal fee (for example, if occupancy is 500, fee would be $1,996.50 + $500.00, or $2,496.50);

b. $500.00 = Class EH (extended hours) annual fee;

c. $500.00 = Class OP (package sales) annual fee;

d. $500.00 = Class OL (outdoor location) annual fee; and

e. $500.00 = Class SS (Sunday sales) annual fee (available to bowling alleys only).

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 2, 10-16-06; Ord. No. 07-04, § 2, 1-29-07; Ord. No. 11-15, § 2, 4-18-11; Ord. No. 17-24, § 2, 10-16-17)

Sec. 4-73. Class P license.

A class P license may be issued by the commissioner if the following requirements are met:

(1) The individual or corporation is, or will be, operating a convenience store (with or without gasoline sales), and is engaged, or will be engaged, in the retail sale of beer and wine in their original package for consumption off the licensed premises only; or the individual or corporation is engaged, or will be engaged, in the retail sale of alcoholic liquor in its original package for consumption off the licensed premises only.

(2) A convenience store operator may not sell beer in kegs and may not sell beer and wine in individual containers that are less than 16 fluid ounces in size.

(3) If the individual or corporation is selling, or will be selling, other retail commodities (groceries, medicines, etc.) and is open, or will be open, during those times in which alcohol may not be sold, then he or it shall house the alcoholic liquor in an area that is restricted from public access during the non-sale hours.

(4) Once its license is issued, any class P license holder other than a convenience store may offer product sampling or tasting up to 52 times in a license year, upon written notification of the local liquor commissioner at least three weeks before the planned event of the date and time of the planned event, after meeting the following additional conditions, paying an additional annual fee, and obtaining a supplementary license (class PS):
a. The license holder must be familiar with all state laws on the sampling quantity and size and must confirm in writing its agreement to follow those laws;

b. A tasting event must be held during the license holder's normal operating hours and for no longer than a two-hour period during each scheduled day; and

c. The license holder must pay, at the time the license is initially issued and/or subsequently renewed, an annual fee based on the number of requested product samplings.

(5) No employee under age 20 is allowed to sell alcoholic beverages for consumption off premises or for consumption on premises as part of an authorized product sampling.

(6) Hours of liquor sales:

a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);

b. Upon paying an additional annual fee and obtaining a supplementary license (class EH), the license holder may extend the midnight closing time on Monday through Saturday to 1:00 a.m.;

c. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.

d. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.

e. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.

(7) License renewal and supplementary license fees:

a. $1,815.00 = Annual renewal fee;

b. $500.00 = Class EH (extended hours) annual fee; and

c. Class PS (product sampling) annual
fee: For 1—12/license year = $1,250.00; for 13—25/license year = $250.00; for 26—52/license year = $500.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 3, 10-16-06; Ord. No. 07-04, § 3, 1-29-07; Ord. No. 11-15, § 3, 4-18-11; Ord. No. 17-24, § 2, 10-16-17)

Sec. 4-74. Class C license.

A class C license may be issued by the commissioner if the following requirements are met:

(1) The club will be, or is, a not-for-profit corporation organized for a fraternal, civic, veteran, athletic or other common objective or a for-profit country club, for which the sale of alcoholic liquor to members and guests is an ancillary purpose;

(2) The club will be, or is, selling alcoholic liquor by the drink or in open original containers for consumption on the licensed premises only and, from Monday through Saturday, may sell beer at retail in the original package for consumption off premises.

(3) The club may be open only to members and their guests on Sundays if a supplementary (class SS) license is obtained, but no package sales may occur during that time.

(4) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages, to tend bar, or to sell any beer for off-premises consumption, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.

(5) Hours of liquor sales:

   a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);

   b. Upon paying an additional annual fee and obtaining a supplementary license (class EH), the midnight closing time may be extended to 1:00 a.m. on any day except Sunday;

   c. Upon paying an additional annual fee and obtaining a supplementary license (class SS), the license holder may serve members and their guests on Sundays, from 11:00 a.m. to 12:00 a.m. (midnight) (with no package sales);

   d. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.

   e. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The
commissioner will notify the police department about the change in hours of operation.

f. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.

(6) License renewal and supplementary license fees:

a. $1,996.50 = Annual renewal fee;

b. $500.00 = Class EH (extended hours) annual fee; and

c. $500.00 = Class SS (Sunday sales) annual fee.

Sec. 4-75. Class H license.

A class H license may be issued by the commissioner if the following requirements are met:

(1) The primary business of the individual or corporation will be, or is, offering overnight or other lodging, with or without meals, to guests, as a hotel, motel or other lodging facility.

(2) Once the class H license is issued, the license holder may sell alcoholic liquor by the drink or in the original container in a dining room, lounge, adjacent outdoor area, or through room service arrangements for consumption on the licensed premises only.

(3) Once the class H license is issued, the license holder may operate an outdoor location upon written permission of the local liquor commissioner, after obtaining city council approval, meeting the following additional conditions, paying an additional annual fee, and obtaining a supplementary license (class OL):

a. The outdoor location must be next to the permanent structure on the licensed premises.

b. If an outdoor location is seasonal or temporary (used for six months or less), it must be enclosed or cordoned off by a fence or other barricade between three feet and six feet high and must meet other city code requirements; the outdoor area may have outdoor entrance and exit points if the area will be supervised or monitored by the licensee or its agent.
c. If an outdoor area is permanent, the perimeter must be secured by a permanent fence or wall which shall be at least six feet high, must meet other city code requirements, and must be approved by the commissioner. The outdoor location shall be accessed only from the permanent structure and not from any street, sidewalk, or adjoining property, and shall have emergency exits as required by any city ordinances.

d. No loud music may be played in, or broadcast to, the outdoor location, to such a degree that it will disturb the occupants of neighboring structures, and no music shall be played in, or broadcast to, the outdoor location after 10:00 p.m.; and

e. No bar may be located or operated in the outdoor location, except upon notification and approval of the local liquor commissioner and city council.

(4) Once the class H license is issued, and upon paying an additional annual fee and obtaining a supplementary license (class CS), the license holder may offer catering service, subject to the following conditions:

a. Alcoholic liquor may be served only at an event that includes food; and

b. Alcoholic liquor may be served only as part of a food and alcohol package.

(5) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages or to tend bar, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.

(6) No person under age 20 is allowed to enter and remain in the bar/lounge or liquor sales area, unless he or she is accompanied by his or her parent or legal guardian.

(7) Hours of liquor sales:

a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);

b. Upon paying an additional annual fee and obtaining a supplementary license (Class EH), the license holder may extend the midnight closing time on Monday through Saturday to 1:00 a.m., and may further extend it to 2:00 a.m. on Fridays and Saturdays only;

c. Once the class H license is issued, the license holder may operate on Sundays from 11:00 a.m. to 12:00 a.m. (midnight) to serve patrons who are engaged in the license holder's primary activity, after paying an additional annual fee and obtaining a supplementary license (class SS);
d. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.

e. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.

f. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three days prior to the event. The commissioner will notify the police department about the change in hours of operation.

(8) License renewal and supplementary license fees:

a. $1,996.50 = Annual renewal fee;

b. $500.00 = Class EH (extended hours) annual fee;

c. $500.00 = Class SS (Sunday sales) annual fee;

d. $500.00 = Class OL (outdoor location) annual fee;

e. $500.00 = Class CS (catering service) annual fee.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 5, 10-16-06; Ord. No. 07-04, § 5, 1-29-07; Ord. No. 11-15, § 5, 4-18-11; Ord. No. 17-24, § 2, 10-16-17)

Sec. 4-76. Class R license.

A class R license may be issued by the commissioner if the following requirements are met:

(1) The primary business of the individual or corporation will be, or is, to sell and/or serve meals to guests.

(2) The individual or corporation also may operate a bar or lounge within, or adjoining, the restaurant.

(3) The individual or corporation, will at all times, derive at least 60 percent of total revenue from the sale of food and non-alcoholic drinks. Total revenue includes food sales, alcohol sales, general merchandise sales, other services sales and the licensee’s share of the net terminal income from
video gaming.

(4) a. Once the class R license is issued, the license holder may sell alcoholic liquor by the drink, pitcher or in open original containers for consumption on the licensed premises.

b. A license holder may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premises consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises.

c. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the license holder prior to removal from the premises and placed in a transparent one-time use tamper-proof bag.

d. The license holder shall provide a dated receipt for the bottle of wine to the patron.

(5) Once the class R license is issued, the license holder may operate an outdoor location upon written permission of the local liquor commissioner, after obtaining city council approval, meeting the following additional conditions, paying an additional annual fee, and obtaining a supplementary license (class OL):

a. The outdoor location must be next to the permanent structure on the licensed premises.

b. If an outdoor location is seasonal or temporary (used for six months or less), it must be enclosed or cordoned off by a fence or other barricade between three feet and six feet high and must meet other city code requirements; the outdoor area may have outdoor entrance and exit points if the area will be supervised or monitored by the licensee or its agent.

c. If an outdoor area is permanent, the perimeter must be secured by a permanent fence or wall which shall be at least six feet high, must meet other city code requirements, and must be approved by the commissioner. The outdoor location shall be accessed only from the permanent structure and not from any street, sidewalk, or adjoining property, and shall have emergency exits as required by any city ordinances.

d. No loud music may be played in, or broadcast to, the outdoor location, to such a degree that it will disturb the occupants of neighboring structures, and no music shall be played in, or broadcast to, the outdoor location after 10:00 p.m.

e. No bar may be located or operated in the outdoor location, except upon notification and approval of the local liquor commissioner and city council.
(6) Once the class R license is issued, and upon paying an additional annual fee and obtaining a supplementary license (class CS), the license holder may offer catering service, subject to the following conditions:

a. Alcoholic liquor may be served only at an event that includes food; and

b. Alcoholic liquor may be served only as part of a food and alcohol package.

(7) No person under age 20 is allowed to enter and remain in the bar/lounge or liquor sales area, unless he or she is accompanied by his or her parent or legal guardian.

(8) No employee under age 20 is allowed to draw, pour, or mix any alcoholic beverages or to tend bar, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.

(9) Hours of liquor sales:

a. Monday through Saturday: 6:00 a.m. to 12:00 a.m. (midnight);

b. Upon paying an additional annual fee and obtaining a supplementary license (class EH), the license holder may extend the midnight closing time on Monday through Saturday to 1:00 a.m., and may further extend it to 2:00 a.m. on Fridays and Saturdays only;

c. Upon paying an additional annual fee and obtaining a supplementary license (class SS), the license holder may operate on Sundays from 11:00 a.m. to 12:00 a.m. (midnight) to serve patrons who are engaged in the license holder’s primary activity;

d. Once the class R license is issued, the license holder may operate its bar or lounge and sell alcoholic liquor up to two hours after its kitchen is closed but must stay within its licensed closing time (for example, a licensee with an EH supplementary license cannot elect to close its kitchen at 2:00 a.m. and continue to serve alcohol until 4:00 a.m.);

e. New Year’s Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder’s normal closing time.

f. New Year’s Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours.
of operation.

          g. Super Bowl Sunday: The hours of operation shall be 12:00 p.m. to 11:00 p.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least three (3) days prior to the event. The commissioner will notify the police department about the change in hours of operation.

(10) License renewal and supplementary license fees:

          a. $1,815.00, plus current occupancy number = annual renewal fee (for example, if occupancy is 200, fee would be $1,815.00 + $200.00, or $2,015.00);

          b. $500.00 = Class EH (extended hours);

          c. $500.00 = Class SS (Sunday sales);

          d. $500.00 = Class OL (outdoor location);

          e. $500.00 = Class CS (catering service);

          f. $100.00 = Class OC (outdoor café).

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 06-46, § 6, 10-16-06; Ord. No. 07-04, § 6, 1-29-07; Ord. No. 07-06, § 2, 2-20-07; Ord. No. 11-15, § 6, 4-18-11; Ord. No. 14-53, § 3, 12-1-14; Ord. No. 15-18, § 3, 6-15-15; Ord. No. 17-24, § 2, 10-16-17)

Sec. 4-77. Class B license.

A class B license may be issued by the commissioner if the following requirements are met:

          (1) The individual or corporation is or will be engaged in the retail sale of alcoholic liquor either on the premises by the drink or pitcher or in other original containers for consumption or off premises in the original package.

          (2) The individual or corporation, at all times, must obtain at least 60 percent of his/its gross revenue from off-premises sales.

          (3) Permanent seating shall be restricted to a maximum of 14.

          (4) The license holder may not sell beer in kegs for off-premises use.
(5) No employee under age 20 is allowed to draw, pour, mix any alcoholic beverages, to tend bar, or to sell any beer, wine or spirits for off-premises consumption, and no employee under age 18 is allowed to serve or sell any alcoholic beverages for consumption on the licensed premises.

(6) Hours of operation:
   a. Monday through Saturday: 6:00 a.m. to 10:00 p.m.
   b. New Year's Eve Day: If the holiday falls on a Sunday, the hours of operation shall be 11:00 a.m. to 1:00 a.m. A Sunday sales license will not be required. The license holder must notify the liquor commissioner that the establishment intends to be open on the holiday in writing at least two weeks prior to the holiday. The commissioner will notify the police department about the change in hours of operation.
   c. New Year's Day (unless it falls on a Sunday): Closing time will be extended one hour beyond the license holder's normal closing time.

(7) License fee:
   a. $1,815.00, plus current occupancy number = annual renewal fee (for example, if occupancy is 100, the fee would be $1,815.00 + $100.00, or $1,915.00).
   b. $100.00 = Class OC (outdoor café) annual fee.

(Ord. No. 06-56, § 2, 11-20-06; Ord. No. 11-15, § 7, 4-18-11; Ord. No. 14-53, § 3, 12-1-14; Ord. No. 17-24, § 2, 10-16-17)

Sec. 4-78. Class OC license.

(a) Class OC outdoor cafe license shall permit the retail sale of alcoholic liquor by any person holding a Class R or Class B license within the area designated as historic district whose business fronts upon a sidewalk designated in an outdoor cafe permit adjacent to the licensed premises during the hours of 11:00 a.m. to 10:00 p.m., Monday through Saturday, and 12:00 noon to 9:00 p.m. on Sunday, provided that a valid outdoor cafe permit has been issued, pursuant to Chapter 14, sections 131-140.

(b) The outdoor café designated area must be enclosed or cordoned off by a fence or other barricade between three feet and four feet high, as approved by community development coordinator, and must meet other city code requirements.

(c) The outdoor café designated area may have outdoor entrance and exit points if the area will be supervised or monitored by the licensee or its agent.
(d) During the times when alcoholic liquor may be served under the Class OC license, the licensee shall:

(1) Not allow or permit any customer, employee or other person to remove alcoholic liquor from the area designated in the outdoor cafe permit or the service premises of the licensee.

(2) Comply with all requirements set forth in Chapter 14, Sections 131-140.

(e) The outdoor cafe area shall be subject to all provisions of this chapter as though the outdoor cafe area was part of the licensee's service premises during the times permitted by this section for alcoholic liquor sales.

(f) Prior to the issuance of a Class OC outdoor cafe license the licensee shall provide proof of dram shop insurance. The policy shall name the City of Macomb as an additional insured, and will indemnify and hold it harmless from any action, proceeding or claim of liability asserted against it as a result of the operation of an outdoor cafe. Failure by the licensee to maintain the insurance required by this section shall result in the revocation of the license.

(Ord. No. 14-53, § 2, 12-1-14)

Sec. 4-79. Class SE license.

A Class SE license may be issued by the commissioner if the following requirements are met:

(1) Only persons who qualify as a special event retailer will be eligible.

(2) The license holder may sell beer and wine by the drink or in open original containers for consumption on the licensed premises only.

(3) Application must be made for a specific community, civic, educational, fraternal, political, or religious event.

(4) As part of the application, each applicant must provide plans for litter control, crowd control, security, parking, restroom facilities and any other information or documentation required by the local liquor commissioner.

(5) The individual or group sponsoring the event must comply with all state laws concerning special event licenses, including obtaining dram shop insurance and purchasing liquor from licensed distributors.

(6) The proposed licensed location may be a temporary structure, tent, or outdoor location if entrance to, and exit from, the liquor sales area is controlled by the applicant to assure compliance with the requirements of this chapter and any applicable state laws.

(7) No person under age 20 years will be allowed to enter
or to remain upon the licensed premises, unless accompanied by his or her parent or legal guardian.

(8) No person under age 21 is allowed to draw, pour, or mix any alcoholic beverages or to tend bar, and no person under age 21 is allowed to serve or sell any alcoholic beverages for consumption on the specially licensed premises.

(9) The special event license may be issued for a period of no more than three days.

(10) The special event license shall be issued by the local liquor commissioner, upon creation of the license by the city council.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-80. Special privileges available to licensees.

The privileges available to licensees are listed under each license classification.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-81. Creation of licenses.

(a) The number of licenses in each primary license class is determined by the city council, and a license is created by council action only.

(b) If a license created by the council is not issued by the local liquor commissioner to the applicant within 30 days, it expires and ceases to exist.

(c) Once a license is issued, the licensee must report any substantive changes in its business operation (such as change in business ownership, change in business location, change in size of licensed premises through physical expansion of the building or the addition of an outdoor location) to the local liquor commissioner and the city council at least 90 days before the changes are expected to occur so that any necessary adjustments to the license and license fees may be made.

(d) Liquor licenses expire automatically, and no longer exist, when a business ceases to exist, when a business is sold, or when a license is revoked by the local liquor commissioner.

(e) At the time of renewal, any licensee with a state video gaming license must provide documentation to show that at least 60 percent of the annual gross revenue is generated from food and beverage sales and that no more than 10 percent of the space is dedicated to video gaming. Class C liquor license holders and Class A liquor license holders operating pursuant to 4-72(2) with a bowling alley, are exempt from this provision.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 05-30, § 3, 11-7-05; Ord. No. 15-18, § 4, 6-15-15)
Sec. 4-82. Calculation of license fees.

The license fee is for a twelve-month period beginning the date of issuance and expiring on that same date the following year.

The license fees are listed under each license classification.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-52, § 5, 12-1-14)

Sec. 4-83. Application fee.

A non-refundable application fee of $500.00 must be paid when an application for a new license is submitted to the commissioner.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-84. Regulations applicable to licensees with state video gaming licenses.

Video gaming shall be a secondary use of any establishment obtaining a license under this chapter. All licensees with a state video gaming License shall be subject to the following regulations, and, by the act of acceptance of a license to sell alcoholic liquors at retail under this chapter, agree:

(1) Establishments with a state video gaming license (except Class C license holders and CLASS A license holders operating pursuant to 4-72(2) with a bowling alley) must generate, at all times, at least 60 percent of gross income from food and beverage sales and have no more than ten percent of its space dedicated to video gaming.

(2) To post a sign immediately outside the doorway or portal to the designated gaming area which sign shall be as follows:

a. The sign shall be constructed of sturdy material not less than 12 inches by 16 inches;

b. The sign shall be conspicuous and legible at a distance of not less than 20 feet, and shall be in a well lit location;

c. The licensee shall be responsible to maintain the sign and keep it in good repair, continuously legible;

d. The sign shall contain the following words and symbols:

NO PERSONS UNDER 21 ALLOWED

(3) To post a sign in a conspicuous location within the designated gaming area, which sign shall be as follows:

a. The sign shall be constructed of sturdy material not less than eight and one-half inches by 11 inches;
b. The sign shall be conspicuous and legible at a distance of not less than five feet and shall be well lit;

c. All print on the sign shall be not less than 14-point font;

d. The licensee shall be responsible to maintain the sign and keep it in good repair, continuously legible;

e. The sign shall contain the following words and symbols:

How do you know if you have a gambling problem? Review the following Questions:

• You have often gambled longer than you had planned.
• You have often gambled until your last dollar was gone.
• Thoughts of gambling have caused you to lose sleep.
• You have used your income or savings to gamble while letting bills go unpaid.
• You have made repeated, unsuccessful attempts to stop gambling.
• You have broken the law or considered breaking the law to finance your gambling.
• You have borrowed money to finance your gambling.
• You have felt depressed or suicidal because of your gambling losses.
• You have been remorseful after gambling.
• You have gambled to get money to meet your financial obligations.

If you or someone you know answers yes to any of these questions, consider seeking professional help or advice by calling the National Problem Gambling Helpline at 1-800-522-4700 or the State of Illinois Hotline: 1-800-426-2537.

(Ord. No. 15-18, § 5, 6-15-15)

Secs. 4-85—4-90. Reserved.
ARTICLE V. REGULATIONS OF OPERATIONS

Sec. 4-91. Hours of operation.

Sec. 4-92. Qualifications of employees.

Sec. 4-93. Occupancy.

Sec. 4-94. Entry age of non-liquor staff and contractors.

Sec. 4-95. Purchase, acceptance, possession or consumption of alcoholic liquor by minors.

Sec. 4-96. Sale and delivery of alcoholic liquor to minors and certain other persons.

Sec. 4-97. Proof of age; misrepresentation of age.

Sec. 4-97.1. Failure to carry ID.

Sec. 4-98. Assisting minor in misrepresentation of age or identity.

Sec. 4-99. Licensee and staff training.

Sec. 4-100. Regulations on licensees and licensed premises.

Sec. 4-101. Warning signs required.

Sec. 4-102. Employee parties.

Sec. 4-103. Private parties.

Sec. 4-104. Liability of owner of premises and licensee in certain instances.

Sec. 4-105. Teen events.

Sec. 4-106. Entertainment restrictions.

Sec. 4-107. Happy hours prohibited.

Secs. 4-108—4-110. Reserved.

Sec. 4-91. Hours of operation.

(a) It shall be unlawful to sell, to offer for sale or delivery at retail, or to give away in or upon any licensed premise, any alcoholic liquor except during the hours allowed under each license class.

(b) It shall be unlawful to remain open for business, to admit the public, to permit the public to remain within, or to permit the consumption of alcoholic liquor by any person in or upon the licensed premises more than 30 minutes after the closing time established under this chapter.

(c) No person except the licensee and his agents shall enter the licensed premises between the allowed closing time and 6:00 a.m.

(Ord. No. 05-27, § 2, 9-12-05)
Sec. 4-92. Qualifications of employees.

The qualifications of employees are addressed under each license category.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-93. Occupancy.

(a) All premises licensed under this chapter to allow the on-site consumption of alcoholic liquor shall be inspected by the fire chief or his designated representative, to determine and fix the maximum permitted occupancy of such premises. The licensee shall contact the fire chief and arrange for an annual inspection and determination of occupancy, which shall be completed before the effective date of any new or renewed license.

(b) Occupancy limits shall be determined by designating each separate room or other area as an open area or as seating area. The occupancy limit of open areas shall be determined by dividing the aggregate total number of square feet of all such open areas by a factor of seven. The occupancy limit of seating areas shall be determined by dividing the aggregate total number of square feet of all such areas by a factor of 15.

(c) Notwithstanding the provisions of subsection (b), whenever the fire chief determines that any licensed premises does not meet the standards of the city's building, fire safety, property maintenance, or other applicable health or safety codes, the fire chief may direct that the applicable occupancy limitation factors be fixed at ten for open areas and at 16 for seating areas.

(d) The maximum occupancy as determined by the fire chief shall be prominently displayed at or near the front entrance and above any bar area located upon the premises.

(e) It shall be unlawful for any licensee, or for any agent of any licensee, to allow the occupancy limit of any licensed establishment to be exceeded. At any time that the commissioner or any law enforcement officer reasonably believes that the occupancy limit of any licensed premises has been exceeded, the fire department shall be notified. The fire chief, or his designated representative, may determine the occupancy on those premises at that time by any reasonable means, including requiring the temporary and orderly evacuation of the premises in order to obtain a count of the persons present.

(f) The penalty imposed on a licensee for unlawful occupancy shall be a fine of no less than $250.00 and no more than $750.00.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-94. Entry age of non-liquor staff and contractors.

(a) The age restrictions for lawful entry during operating
hours that are imposed under this chapter shall not apply to a licensee’s employees hired to perform services other than the mixing, serving, or selling of alcoholic liquor or to independent contractors hired to perform services upon the licensed premises, provided that the employed persons are at least 16 years old.

(b) The penalty imposed on a person for unlawful entry, and on a licensee for allowing unlawful entry shall be a fine of no less than $250.00 and no more than $750.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 05-30, § 2, 11-7-05)

Sec. 4-95. Purchase, acceptance, possession or consumption of alcoholic liquor by minors.

(a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor.

(b) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not have such alcoholic liquor in his possession.

(c) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not consume such alcoholic liquor.

(d) Notwithstanding the other provisions of this section, it shall not be a violation of this chapter for any person under 21 years of age to possess and dispense, or to consume, any alcoholic liquor under any of the following conditions:

(1) In the performance of a religious ceremony or service;

(2) When under the direct supervision and control of a parent or parents or other person in loco parentis and in the privacy of a home.

(e) The penalty for a violation of this section shall be a fine of no less than $250.00 and no more than $750.00.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-96. Sale and delivery of alcoholic liquor to minors and certain other persons.

(a) No licensee or any agent of that licensee shall sell, give, deliver, or permit the sale, gift, or delivery of alcoholic liquor to any person under 21 years of age, or to any intoxicated person, or to any person known by him or her to be under legal disability or in need of mental treatment.

(b) No person, after purchasing or otherwise obtaining
alcoholic liquor, shall sell, give, or deliver that alcoholic liquor to another person under 21 years of age, except in the performance of a religious ceremony or service.

(c) The fact that a person under 21 years of age is found in possession of alcoholic liquor on the licensed premises of any licensee under this chapter shall be prima facie evidence that the licensee or an agent of the licensee permitted the sale, gift, or delivery of the alcoholic liquor to that person.

(d) The penalty for a violation of the section shall be established in the city fee schedule, section 24-10.

Sec. 4-97. Proof of age; misrepresentation of age.

(a) Any licensee or agent of that licensee may refuse to sell or serve alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over 21 years of age.

(b) At any time that a licensee or agent of that licensee believes, or has reason to believe, that a sale or delivery of alcoholic liquor is prohibited to any person because of that person's age, he shall, before making the sale or delivery, demand presentation of two permanent forms of positive identification; one of those forms of identification shall contain a photograph of the prospective recipient and proof of age and the other form of identification shall show the same name.

(c) It shall be an affirmative defense to any charge or violation brought against a licensee and/or the licensee's agent that the licensee or agent did the following:

   (1) Demanded presentation of identification from the prospective recipient;

   (2) Received the written evidence of identification stated in paragraph (b); and

   (3) Reasonably relied upon that written evidence of identification.

However, it shall not operate as a defense to a charge or violation if the licensee or the licensee's agent was shown, and had accepted, a false or fraudulent identification which he knew, or reasonably believed, to be false or fraudulent.

(d) It shall be unlawful for any person under 21 years of age to have in their possession any altered, false or fraudulent written, printed or photostatic evidence of age or identity or any written, printed or photostatic evidence of age or identity of another person who is 20 years of age or older.

(e) The penalty for a violation of the section shall be established in the city fee schedule, section 24-10.
Sec. 4-97.1. Failure to carry ID.

(a) Any person entering or remaining in a Class A licensed establishment, shall have in their possession while remaining in such establishments, an identification card or some other form of positive identification with such person's picture imprinted on it showing their correct date of birth and issued by some public officer in the performance of their official duties. However, no person 20 years of age or older charged with violating this section shall be fined or convicted if they produce to the city attorney, prior to the filing of the complaint in circuit court, satisfactory evidence of their age and identity.

(b) The penalty for violation of this section shall be a fine of not less than $100.00 nor more than $750.00 for each offense.

Sec. 4-98. Assisting minor in misrepresentation of age or identity.

(a) It shall be unlawful for any person to give, sell or furnish to any person under 21 years of age any altered, false or fraudulent written, printed or photostatic evidence of age and identity.

(b) It shall be unlawful for any person to give, sell or furnish to any person under 21 years of age any written, printed or photostatic evidence of age and identity of any other person for the purpose of misrepresenting the age and identity of the person under 21 years of age.

(c) Every licensee and every employee or agent of such licensee who, as a part of his duties or employment with the licensee, tends bar, sells, serves, or dispenses any alcoholic liquor, or checks identifications of patrons shall receive appropriate training, including training in properly identifying persons, identifying and handling intoxicated persons, and recognizing false or fraudulent identification; the training shall be done at the start of employment and as needed during the employment period.

(d) The penalty for a violation of this section shall be a fine of no less than $250.00 and no more than $750.00.

Sec. 4-99. Licensee and staff training.

Effective January 1, 2006, every licensee and its resident manager and/or shift manager(s) must undergo training, and receive certification, under a state-approved BASSET course. The training shall include methods to identify and handle intoxicated persons, to identify false or fraudulent identification, and related topics. Those who are required to be
certified must undergo re-certification as is mandated by the Illinois Liquor Commission or upon expiration of their certificates.

Every new applicant who is granted a liquor license must provide copies of the required certificates within 90 days of license issuance. Every applicant for license renewal must provide copies of current certification before its license may be renewed for the next license year.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-52, § 6, 12-1-14)

Sec. 4-100. Regulations on licensees and licensed premises.

(a) It shall be unlawful for any licensee or his agent to solicit any other person to purchase the solicitor a drink or drinks on any licensed premises.

(b) It shall be unlawful for any licensee or his agent to serve, give, deliver or participate in placing any alcoholic liquor in any motor vehicle except in the original package and with the seal unbroken.

(c) It shall be unlawful for any licensee or his agent to sell any alcoholic liquor in return for any payment not authorized by state law.

(d) It shall be unlawful for any licensee or his agent to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any licensed premises subject only to the conditions and limitations established by law and applicable alike to all citizens.

(e) It shall be unlawful for any licensee or his agent or anyone on the licensee's behalf to announce the presence of law enforcement officers in or on the licensed premises, unless requested to do so by a law enforcement officer.

(f) It shall be unlawful for any licensee or his agent or anyone acting on the licensee's behalf to use any radio, police scanner or other electronic device for the purpose of intercepting police radio transmissions and thereafter warning any person on the licensed premises or notifying any other licensee or his agent of any inspection, check or other action by the police on any licensed premises.

(g) A licensee and the licensee's agents shall promptly report to the police department any crime or other illegal activity occurring on or about the licensed premises of which any of them have knowledge. No licensee nor any agent of that licensee shall fail or refuse to aid and cooperate with the police department in the investigation of any crime or illegal activity or withhold any information.

(h) Every licensee shall maintain on each licensed premises at least one telephone in proper working order and readily accessible to the bartender or other responsible person in charge of the licensed premises for purposes of reporting to the police department incidents that occur on or about the licensed premises.
Every licensed premises shall be kept and maintained in a clean and sanitary condition at all times and shall comply with all federal, state and local laws governing health and safety.

It shall be unlawful for any licensee to permit or allow anyone to play any game of cards, dice or checks for money or other thing of value or to permit or allow the use of any other article, instrument or thing whatsoever which may be used for the purpose of playing or betting upon or winning or losing money or any other thing of value, or to bet upon any games others may be playing, upon any licensed premises, except as permitted by state law.

Sec. 4-101. Warning signs required.

Premises licensed under this chapter must have warning signs posted thereon as follows:

1. Every class A licensee other than a bowling alley and every class SE licensee shall post the following sign in a conspicuous place at each entrance to any room or area where alcoholic liquor is being sold, served or consumed on the premises:

"YOU MUST BE AT LEAST 20 YEARS OLD TO ENTER THESE PREMISES UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

ORDINANCES OF THE CITY OF MACOMB PROHIBIT PERSONS UNDER AGE 20 FROM ENTERING OR REMAINING UPON THESE PREMISES UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN AND PROHIBIT PERSONS UNDER AGE 21 FROM PURCHASING, ACCEPTING, POSSESSING, OR CONSUMING ALCOHOLIC LIQUOR OR FROM MISREPRESENTING THEIR AGE.

SUBSTANTIAL FINES UP TO $750.00 CAN BE IMPOSED UPON CONVICTION OF VIOLATING THESE ORDINANCES."

2. Every class P licensee shall post the following sign in a conspicuous place in the area where alcoholic liquor is being sold:

"ORDINANCES OF THE CITY OF MACOMB PROHIBIT PERSONS UNDER AGE 21 FROM PURCHASING, ACCEPTING, POSSESSING, OR CONSUMING ALCOHOLIC LIQUOR OR FROM MISREPRESENTING THEIR AGE.

SUBSTANTIAL FINES UP TO $750.00 CAN BE IMPOSED UPON CONVICTION OF VIOLATING THESE ORDINANCES."

3. Every class A bowling alley, every class C licensee, every class H licensee, and every class R licensee shall post the following sign in a conspicuous place at each entrance to any room or area where alcoholic liquor is being sold and/or served on the premises:

"YOU MUST BE AT LEAST 20 YEARS OLD TO ENTER THE BAR/LOUNGE OR
LIQUOR SALES AREA UNLESS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.

ORDINANCES OF THE CITY OF MACOMB PROHIBIT PERSONS UNDER AGE 20 FROM ENTERING OR REMAINING IN THE BAR/LOUNGE OR LIQUOR SALES AREA UNLESS ACCOMPANIED BY A PARENT OR GUARDIAN AND PROHIBIT PERSONS UNDER AGE 21 FROM PURCHASING, ACCEPTING, POSSESSING OR CONSUMING ALCOHOLIC LIQUOR OR FROM MISREPRESENTING THEIR AGE.

SUBSTANTIAL FINES UP TO $750.00 CAN BE IMPOSED UPON CONVICTION OF VIOLATING THESE ORDINANCES."

(4) Every licensee shall display a warning sign in a conspicuous location as follows:

"GOVERNMENT WARNING: ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS."

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-102. Employee parties.

It shall be unlawful for a licensee to hold an employee party, unless the following terms and conditions are met:

(1) If a licensee wants to hold an employee party, the licensee must submit a written request to the local liquor commissioner at least 14 days before the date on which the employee party is proposed to be held, stating the date and time and the expected number of those attending the party. An employee’s spouse or domestic partner also may attend, if the licensee requests.

(2) An employee party must be held between 12:00 p.m. (noon) and 12:00 a.m. (midnight) and must not last longer than four hours.

(3) If the local liquor commissioner approves the request for an employee party, the licensee shall comply with all other applicable provisions of this chapter and state law.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-103. Private parties.

A licensee holding a class A license may apply to the commissioner to hold a private party upon the licensed premises. An application to hold a private party shall be submitted to the commissioner at least ten business days before the date on which the private party is proposed to be held. The commissioner shall review the applications and approve or deny it consistent with the provisions of this chapter.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-104. Liability of owner of premises and licensee in certain instances.
(a) If the owner of any licensed premises, or any person from whom the licensee derives the right to possession of the premises, or the agent of that owner or person, shall knowingly permit the licensee to use the licensed premises in violation of this chapter, that person shall be deemed guilty of a violation of this chapter to the same extent as the licensee and shall be subject to the same penalties provided for in this chapter.

(b) Every act or omission of whatever nature constituting a violation of any provisions of this chapter by any agent of any licensee, shall be deemed to be the act of such licensee. The licensee shall be punishable to the same extent and to the same manner as if the act or omission had been done or omitted by the licensee personally.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-105. Teen events.

A licensee holding a class A license may hold an all-teen event if the licensee complies with the provisions of this section. The licensee must apply to the commissioner on the city’s application form at least ten business days before the date on which the event is proposed to be held. The commissioner may approve or deny the request. No all-teen event shall be approved on any licensed premises unless the following conditions are met:

1. All taps and containers of alcoholic liquor shall be removed from the area where the teen event is to be held;
2. No person under 21 years of age shall be permitted on any part of the licensed premises where alcoholic liquor is being kept or stored during the event and all event participants must remain in the area specified for the event;
3. No person under 18 years of age shall be permitted to participate in any approved teen event;
4. The licensee shall provide adequate supervision of the event by persons 21 years of age or older.
5. The licensee shall comply with all applicable health, safety and fire prevention requirements.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-106. Entertainment restrictions.

(a) No licensee shall engage in, or permit anyone else to engage in, any of the following acts on its licensed premises:

1. Performing any topless and/or bottomless act, demonstration, dance or exhibition;
2. Performing any act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any
other sexual act which is prohibited by law;

    (3) Actual or simulated touching, fondling, or
caressing of the breast, buttocks, anus, vulva or genitals;

    (4) Displaying films or photographs depicting acts
prohibited by subsections (1), (2) or (3) above.

(b) No person shall engage in any of the acts prohibited in
subsection (a) above on any licensed premises.

(c) No licensee or his agent shall permit any person to
remain on the licensed premises who violates any of the provisions of this
section.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-107. Happy hours prohibited.

    (a) All licensees shall maintain a schedule of prices charged
for all drinks of alcoholic liquor served and consumed on any licensed premises
or part thereof.

    (b) Any licensee who operates more than one licensed
establishment or who on any licensed premises operates more than one
location where alcoholic liquor is sold shall maintain a separate schedule of
prices for all drinks on each premises or location.

    (c) No licensee or his agent shall:

       (1) Serve two or more drinks of alcoholic liquor at
one time to one person for consumption by that one person, except
selling or delivering wine by the bottle or carafe;

       (2) Sell, offer to sell or serve to any person an
unlimited number of drinks of alcoholic liquor during any set period of
time for a fixed price, except at a private function not open to the general
public;

       (3) Sell, offer to sell or serve any drink of alcoholic
liquor to any person on any one date at a reduced price other than that
charged other purchasers of drinks on that day where such reduced
price is a promotion to encourage consumption of alcoholic liquor, except
as authorized by subsection (d)(7);

       (4) Increase the volume of alcoholic liquor
contained in a drink, or the size of a drink of alcoholic liquor, without
increasing proportionately the price regularly charged for the drink on
that day;

       (5) Encourage or permit, on the licensed premises,
any game or contest which involves drinking alcoholic liquor or the
awarding of drinks of alcoholic liquor as prizes for such game or contest
on the licensed premises, or;

(6) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (5) of this subsection.

(d) Nothing in subsection (c) shall be construed to prohibit a licensee from:

(1) Offering free food or entertainment at any time;

(2) Including drinks of alcoholic liquor as part of a meal package;

(3) Including drinks of alcoholic liquor as part of a hotel package;

(4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;

(5) Providing room service to persons renting rooms at a hotel;

(6) Selling pitchers, or the equivalent, including but not limited to buckets, carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to two or more persons at one time; or

(7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(Ord. No. 05-27, § 2, 9-12-05)

Secs. 4-108—4-110. Reserved.

ARTICLE VI. MISCELLANEOUS PROVISIONS

Sec. 4-111. Adoption of state law by reference.

Sec. 4-112. Set-up establishments prohibited.

Sec. 4-113. Adult responsibility.

Sec. 4-114. Keg registration and bulk alcohol sale restrictions.

Sec. 4-115. Restrictions on the general public.

Sec. 4-116. Nuisance declared.

Sec. 4-117. Restricted areas of municipal property.

Sec. 4-118. Mass gatherings.
Sec. 4-111. Adoption of state law by reference.

Each and every part, provision and section of the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.), as amended, and regulations promulgated thereunder which relate in any manner to the sale at retail of alcoholic liquor, is hereby adopted by reference and made a part of this chapter, to the same extent and with the same legal effect as if fully set forth herein except as otherwise specifically changed or amended in this chapter. Any violation of such applicable and accepted provisions of said Act shall be deemed a violation of this chapter and be subject to the penalties provided herein.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-112. Set-up establishments prohibited.

(a) It is unlawful for any person to operate a set-up establishment in the city.

(b) The penalty for a violation of this section shall be a fine of no less than $500.00 and no more than $750.00.

(Ord. No. 05-27, § 2, 9-12-05; Ord. No. 14-21, § 2, 5-5-14)

Sec. 4-113. Adult responsibility.

(a) No person 21 years of age or older who owns, possesses, operates, supervises or controls any premises within the city shall knowingly permit any person under 21 years of age to possess or consume any alcoholic liquor on such premises.

(b) It shall be an affirmative defense to any action under this section that the person 21 years of age or older asked for, was shown and reasonably relied upon a driver's license or other written evidence of age and identity as described in section 4-97 of this chapter.

(c) It shall not be a violation of this section:

(1) For a parent or legal guardian to permit possession or consumption of alcoholic liquor by their child in their own home; or

(2) To allow a person under 21 years of age to possess, dispense or consume alcoholic liquor as part of a religious ceremony or service.

(d) The penalty for a violation of this section shall be a fine of no less than $250.00 and no more than $750.00.

(Ord. No. 05-27, § 2, 9-12-05)

Sec. 4-114. Keg registration and bulk alcohol sale restrictions.
(a) Every licensee under this chapter who sells any keg of alcoholic liquor at retail shall record the name and address of the person purchasing such keg and the other information required by this section and shall affix upon the keg a permit, tag or sticker furnished by the city.

(b) Every person who purchases any keg of alcoholic liquor at retail outside the city and transports that keg to any location within the city for consumption shall register his name and address and the other information required by this section with the city police department. The police department shall provide and affix upon any keg so registered a permit, tag or sticker evidencing such registration.

(c) Every licensee who sells any alcoholic liquor by the keg at retail shall keep, maintain and provide on request of the local liquor commissioner its records concerning the retail sale of such kegs and the persons purchasing such kegs.

(d) The local liquor commissioner shall provide every licensee who sells any alcoholic liquor by the keg at retail with forms for the registration of such sales and permits, tags or stickers to affix to such kegs.

(e) The local liquor commissioner shall specify the information to be kept and provided by licensees concerning retail keg sales, which shall include the following:

   (1) The name and permanent address of the purchaser, verified by valid, state-issued identification;

   (2) The type of identification presented by the purchaser and the identification number;

   (3) A statement, signed by the purchaser, that the purchaser is 21 years old or older, that s/he will not allow persons under age 21 to consume the alcoholic liquor being purchased, that s/he will not obliterate or remove the keg registration tag affixed to the keg and will not allow others to do so, and, under penalty of perjury, certifying that the statements contained on this form are true;

   (4) The address or location where the keg will be consumed, and the date(s) it will be consumed, and the name of the property owner;

   (5) The signature of the purchaser; and

   (6) The date of the sale and name of salesperson.

(f) It shall be a violation of this section:

   (1) For a retail seller, its employee or agent, to fail to obtain a fully completed keg registration form from the purchaser.

   (2) For a purchaser to provide false or misleading information.
For a purchaser to fail to register a keg purchased outside the city.

For any person, except a local licensee in the regular course of its business, to possess a keg within the city unless that keg has been registered and displays the permit, tag, or sticker required by this section.

For any person, except a local licensee in the regular course of its business, to withdraw alcoholic liquor from any keg which does not have a city permit, tag or sticker affixed to it such keg.

For any person to remove, alter, tamper with, or destroy any permit, tag, or sticker affixed to any keg within the city.

The penalty for each violation of this section shall be a fine of no less than $250.00 and no more than $750.00, in addition to any other penalties imposed under the liquor code.

Sec. 4-115. Restrictions on the general public.

(a) It shall be unlawful for any person or group without valid city and state liquor licenses to peddle alcoholic liquor to the general public anywhere in the city.

(b) No person shall transport, carry, possess or have any alcoholic liquor in, upon, or about any motor vehicle except in the original container and with the seal unbroken, unless such alcoholic liquor is not in the passenger area of the motor vehicle.

(c) It shall be unlawful for any person to transport, carry or possess any alcoholic liquor other than in the original container and with the seal unbroken on any public property, or any other place that is accessible to the general public.

(d) It shall be unlawful for any person to consume any alcoholic liquor on any public property or on any other place that is accessible to the general public, except during an event for which the sponsoring organization has obtained city and state liquor licenses.

(e) The penalty for a violation of this section shall be a fine of no less than $250.00 and no more than $750.00.

Sec. 4-116. Nuisance declared.

(a) Any premises, licensed or unlicensed, used to conduct the sale of alcoholic liquor in violation of this chapter or state law is hereby declared to be a public nuisance.
Sec. 4-117. Restricted areas of municipal property.

(a) No liquor shall be sold, served or allowed to be consumed on property belonging to the City of Macomb except at the following locations and under the following conditions:

(1) At the 201 South Lafayette building, currently the home of MACVB and the Western Illinois Museum, when a special use permit or a special event permit has been obtained or a catering license holder wishes to cater an event at the location. The liquor commissioner shall have the sole discretion in determining whether or not a proposed event meets the foregoing qualifications.

(2) At all municipal parks when a state special use permit or a special event permit has been obtained and provided such event is either a city-sponsored event or such event directly benefits a City of Macomb program or activity. The liquor commissioner shall have the sole discretion in determining whether or not a proposed event meets the foregoing qualifications.

(3) At 232 East Jackson Street, currently the home of City Hall, when a state special use permit or a special event permit has been obtained and provided such event is either a city-sponsored event or such event directly benefits a City of Macomb program or activity. The liquor commissioner shall have the sole discretion in determining whether or not a proposed event meets the foregoing qualifications.

Sec. 4-118. Mass gatherings.

(a) Definitions. The following words and terms, whenever used in this section, shall be interpreted as herein provided:

Fence means any barrier or partition with principal dimensions of height and length clearly defining the perimeters of a mass gathering and designed to control ingress and egress. A fence shall include but not be limited to existing buildings, walls, hedges, and structures.

Mass gathering means any outdoor or open air gathering of 150 or more persons at which alcoholic liquor is consumed, provided such alcoholic liquor is not sold at the gathering by a person or persons holding a liquor license issued by the City of Macomb.

Security guard means any person clearly identified as security personnel, provided such person does not consume alcoholic liquor while on duty at the mass gathering.
Sponsor means to allow, permit, conduct, hold, maintain, encourage, organize, or promote a mass gathering.

(b) [Unlawful gatherings.] It shall be unlawful for any person to sponsor a mass gathering unless a permit has been obtained from the City of Macomb for the sponsoring of such mass gathering.

(c) Application for permit. Written application for a permit to sponsor a mass gathering shall be made to the Macomb City Clerk or her designee. The application may be submitted at any time, but at least 14 days prior to the date upon which the mass gathering is to be held. Such application shall be on forms provided by the city and shall have attached thereto plans, documents, and other material required by this article. The application shall be forwarded to the appropriate City of Macomb personnel, including the police department personnel for an investigation with reference to all applicable city codes and laws. The permit application shall contain the following information:

1. The name, address, and telephone number of the person or persons requesting the permit;
2. The name and address of all persons acting as sponsors of the mass gathering;
3. The name, address, and telephone number of the person acting as chairperson or otherwise responsible for the conduct of the mass gathering;
4. The purpose of the mass gathering and the estimated number of attendees;
5. The date or dates the mass gathering is to be conducted and the hour or hours the mass gathering will commence and terminate;
6. The number, type (flush type or portable chemical), and location of toilet facilities to be provided for use during the mass gathering;
7. The name and address of any concessionaires or vendors doing business at the mass gathering;
8. Whether any live or recorded music will be provided;
9. Whether alcoholic beverages will be available or consumed at the mass gatherings;
10. A statement as to the number and type of refuse collection containers that will be available at the mass gathering;
11. A statement explaining the availability of adequate lawful parking within the immediate area of the mass gathering.
gatherings;

(12) A statement explaining arrangements made for the presence of any security guard(s);

(13) A site plan indicating the location of fencing and points of ingress to and egress from the mass gathering;

(14) A statement explaining applicant's legal interest in the mass gathering site and submission of evidence by deed, lease, or other document verifying such interest.

(d) **Conditions precedent to granting of permit.** No permit shall be issued under this article unless the following conditions are met:

(1) Toilet facilities: The applicant shall provide a minimum of one toilet facility for each 75 attendees. Toilet facilities shall be located within the mass gathering perimeters or within 100 feet thereof, and be identified as open for use by attendees.

(2) Waste management: Refuse collection containers shall be placed within the perimeters of the mass gathering and at the point or points of egress from the mass gathering. Containers shall be durable and non-absorbent. Heavy-weight paper or plastic sacks designed specifically for storage or refuse may be used. The total capacity of the containers shall be a minimum of 30 gallons for each 50 attendees.

(3) Clean-up: The applicant shall post a clean-up deposit or bond in the amount of $100.00 per 75 attendees to secure compliance with the clean up provisions of this section.

(4) Traffic and parking control: The applicant shall have made provision for adequate lawful parking within the immediate area of the mass gathering site so that traffic will not be disrupted and that emergency vehicles shall have access to the site.

(5) Security and public safety: The applicant shall provide at least one clearly identified security guard for every 50 attendees or fraction thereof approved in the permit. Such security guard(s) shall be in attendance from one half-hour before and until one half-hour after the time of the mass gathering, as approved for any given day.

(6) Mass gathering site: The mass gathering site shall be fenced in such a manner so that attendees are familiar with the lawful perimeters of the site, and also to assist the sponsor in restricting the mass gathering to those persons invited to attend.

(7) Interest in mass gathering site: The applicant shall demonstrate a legal interest in the mass gathering site by means of a deed, lease agreement, or other document stating such interest.
(8) No beverages served in glass bottles will be permitted.

(9) Mass gathering scheduled time will be subject to the discretion of the chief of police, with consideration to be given to the location of the proposed site, and absolutely no mass gathering occurring before 11:00 a.m. or to continue past 1:00 a.m.

(10) Insurance coverage: The applicant must have proof of general liability insurance coverage in an amount no less than $300,000.00, with the City of Macomb to be named as additional insured if the event were to occur on the City of Macomb’s property.

(e) Issuance or denial of permit; appeal.

(1) Issuance. The chief of police or his designee shall issue a permit within 14 days following receipt of the application for a permit if, based upon an evaluation of the information provided or information obtained by an investigation made by the city, it is determined that the proposed mass gathering complies with the requirements of this article, all other city ordinances, and applicable state law. The permit issued by the chief of police or his designee shall detail the following:

a. Dates and hour of operation of the mass gathering as determined by the chief of police or his designee pursuant to considerations of the location of the proposed site;

b. Number of attendees permitted at the mass gathering;

c. Number and location of toilet facilities required in connection with the mass gathering;

d. Size and location of refuse collection containers required in connection with the mass gathering;

e. Notice that the permittee shall be responsible for clean-up;

f. Number and location of parking spaces or parking areas required in connection with the mass gathering;

g. Number of security guard(s) required in connection with the mass gathering;

h. Location and type of fencing required in connection with the mass gathering;

i. A list of all other permits,
licenses, or registrations required by the city in order to hold a lawful gathering;

j. Notice that issuance of a mass gathering permit does not constitute waiver of requirements imposed under other city ordinances or state law.

(2) **Denial.** The chief of police or his designee shall deny a permit within 14 days following receipt of the application for a permit if any information supplied by the applicant is false or intentionally misleading, if issuance of a permit violates or will cause a violation of the terms of this applicant's lease arrangements for use of the mass gathering site, or if the proposed mass gathering violates any of the conditions of this article, any other city ordinance, or any applicable state law, or if the mass gathering is likely to cause significant traffic, noise, litter, health, or disturbances of the peace, or if a mass gathering previously sponsored by the applicant (including any members of the applicant association) has caused significant problems regarding noise, traffic, litter, health, unlawful possession or consumption of alcohol by minors, or disturbances of the peace or that significant problems regarding noise, traffic, litter, health, unlawful possession or consumption of alcohol by minors, or disturbances of the peace have occurred at this location within the past two years. The chief may also deny a mass gathering permit if a permit has been granted in the past year for any location within 1,500 feet of the proposed location and the chief finds that the issuance of a mass gathering permit would unduly disrupt the quiet of the area of the proposed mass gathering. The chief may also deny a permit if one or more such permits have been issued within 48 hours of the time being requested and the chief reasonably believes that there are insufficient police resources available to monitor the mass gathering. Such denial shall be in writing and enumerate the specific reason or reasons for the denial. Notice of the denial shall be given to the applicant by personal service of by U.S. mail, first class postage prepaid.

(3) **Appeals.** The denial of a permit by the chief of police or his designee pursuant to the provisions of this article may be appealed to the city administrator by the applicant. Such appeal shall be in writing, filed with the city administrator within five days of the mailing or personal service of the decision of the chief of police or his designee and must specify objections to the decision of the chief of police or his designee. The city administrator or his designee shall within seven days act upon the appeal by conducting a hearing and making a decision on such appeal. The city administrator or his designee shall notify the applicant personally of the time and place of said hearing. If the city administrator or his designee determines that a permit should be issued, then he shall issue a permit. If the city administrator or his designee determines that a permit should not be issued, then he shall inform the applicant of his decision in writing specifying his reasons therefore. All
decisions of the city administrator of his designee shall be final and reviewable only in the courts in accordance with applicable law.

(f) Post-gathering procedures.

(1) Clean-up. The applicant shall be responsible for placing all refuse in appropriate containers, making it ready for removal within 12 hours following the conclusion of the mass gathering.

(2) Post-gathering inspection. Within 12 hours following the conclusion of the mass gathering, the chief of police shall cause an inspection to be made at the mass gathering site to determine compliance with this section.

(3) Deposit, refund, or bond termination. If the permittee has complied with this section the chief of police shall authorize return of the clean-up deposit or termination of the clean-up bond. The clean-up deposit shall be returned within five days from such authorization.

(4) [Failure to comply.] If, upon inspection, the chief of police determines that the permittee has failed to comply with clean-up provisions, the chief of police may cause trash and debris at the site to be placed in appropriate containers, making it ready for removal. The permittee shall be responsible for the cost of such cleanup. The city may order forfeiture of the clean-up deposit or bond and apply all or a portion of the same towards the clean-up cost incurred by the city.

(5) Clean-up deposit or bond forfeiture. The city administrator or his designee shall, prior to ordering forfeiture of any clean-up deposit or bond, give notice to the permittee. Such notice shall be by regular mail. Permittee may, within five days of the mailing of said notice, file a written request with the city administrator or his designee for an administrative hearing. Failure to request a hearing shall result in forfeiture of the clean-up deposit or bond.

(6) Hearing. Upon request for an administrative hearing, the city administrator or his designee shall schedule a time at which the permittee may present evidence indicating by a preponderance of the evidence that the permittee complied with the terms of the clean-up provisions. Reasonable notice of said hearing shall be provided to permittee.

(7) Decision. If the city administrator or his designee determines that the permittee has met his burden of proof, then he shall order the clean-up deposit or bond returned to the permittee. If the city administrator or his designee determines that the permittee has not met the burden of proof, then he shall order the clean-up deposit or bond forfeited to the city. All decisions of the city administrator or his designee shall be final and reviewable only in the courts in accordance with
(g) \textbf{Necessity for other permits.} Obtaining a permit under this article shall not excuse any person from compliance with any other applicable statute, ordinance, or regulation, or the necessity of obtaining any other permit or license required by law.

(h) \textbf{Permit not transferable.} No permit issued under the provisions of this section shall be transferable.

(i) \textbf{Permittee present at all times.} The permittee shall be present at the mass gathering site during the entire period, from one half-hour prior to the scheduled mass gathering time to one hour after the close of the mass gathering, as approved for any given day.

(j) \textbf{Failure to comply with permit.} It shall be unlawful for any person granted a permit pursuant to the terms of this article to violate any of the terms or conditions enumerated in such permit.

(k) \textbf{Refusal to obey order to disperse.} Any person who refuses to obey a lawful order of a police officer to orderly disperse from a mass gathering site shall be in violation of this section.

(l) \textbf{No permit—Effect.} No person shall knowingly participate in or attend a mass gathering unless a written permit has been obtained from the city administrator, chief of police, or their designee. Upon verbal notice from a police officer of the City of Macomb that no permit has been issued for the mass gathering, any person who refuses or fails to orderly disperse shall be in violation of this section.

(m) \textbf{Admission.} The permittee shall not admit any person to a mass gathering if such admission results in a greater number of persons present than allowed by the permit.

(n) \textbf{Proximity to schools, churches, hospitals, etc.} No mass gathering shall be held in a location which is closer than 100 feet from any school when in session, church of synagogue when services are being held, hospital or nursing home, unless such gathering is sponsored by the affected school(s), church(es), synagogues(s), hospitals), or nursing homes(s).

(o) \textbf{[Penalty.]} Any person violating this section shall be fined not less than $500.00 nor more than $750.00 for each offense.

\textit{Chapter 5 AMUSEMENTS \textsuperscript{[1]}\textsuperscript{[20]}}

\textbf{ARTICLE I. IN GENERAL}

Sec. 5-1. \textbf{Definition.}

Sec. 5-2. \textbf{Conduct of audience.}
Sec. 5-1. Definition.

The term "amusement," as used in this chapter, shall mean all forms of entertainment regulated in this chapter, together with any theatrical or other exhibition, show or entertainment which is open to the public and for admission to which a fee is charged or which is exhibited or conducted for gain or profit and is intended or calculated to amuse, instruct or entertain.

(Code 1972, § 5-1)

Sec. 5-2. Conduct of audience.

(a) The audience of any amusement must be orderly and quiet at all times, and it shall be unlawful for any person attending such amusement to create a disturbance in the audience.

(b) It shall be unlawful for any person keeping or conducting any amusement to permit the patrons of the amusement to make loud and boisterous noises so as to disturb the peace in the vicinity or to permit such a crowd to gather to witness any such amusement so as to create a dangerous condition because of fire and other risks.

(Code 1972, § 5-3)

Sec. 5-3. Shows which tend to cause riot or breach of peace prohibited.

It shall be unlawful to present any public amusement or show of any kind which tends to or is calculated to cause or prompt any riot, breach of the peace or public disturbance.

(Code 1972, § 5-4)

Sec. 5-4. Indecent shows.

It shall be unlawful for any person, whether licensed or not, to give, produce, present, exhibit, conduct or operate, either publicly or privately, with or without charging an admission fee, any indecent, immoral, lewd or impure play, exhibition, entertainment or amusement which is obscene under applicable state statutes.

(Code 1972, § 5-5)
Sec. 5-5. Cheating.

It shall be unlawful for any person to cheat, overcharge or otherwise defraud any person attending or about to attend any amusement.

(Code 1972, § 5-6)

Sec. 5-6. Inspections.

It shall be the duty of the chief of police and the fire chief to see that every amusement is sufficiently inspected by a member of the police and of the fire department to ensure compliance with the provisions of this Code and applicable state statutes.

(Code 1972, § 5-7)

Secs. 5-7—5-30. Reserved.

ARTICLE II. LICENSES [2](21)

Sec. 5-31. Scope of article.

Sec. 5-32. Exemptions.

Sec. 5-33. Required.

Sec. 5-34. Application.

Sec. 5-35. Fees.

Secs. 5-36—5-50. Reserved.

Sec. 5-31. Scope of article.

This article shall control the licensing of amusements subject to this chapter except to the extent that there are other licensing provisions pertaining to specific amusements.

(Code 1972, § 5-23)

Sec. 5-32. Exemptions.

No license fee shall be required for any amusement which is conducted solely under the auspices of a religious, educational, social or charitable organization or where the proceeds of the amusement shall go to the general fund for the maintenance of local organizations, churches, schools, bands, lodges or hospitals or for like purposes, such amusement being produced only for a period of time not exceeding one week in one calendar month by any one local organization. However, the regulatory provisions of this chapter shall apply to such exempt amusements.

(Code 1972, § 5-24)
Sec. 5-33. Required.

No person shall conduct, produce, present, offer, operate or maintain any amusement in the city without first having secured a license therefor.

(Code 1972, § 5-25)

Sec. 5-34. Application.

Applications for licenses required by this chapter shall be made to the city clerk and shall comply with the general provisions relating to applications for licenses.

(Code 1972, § 5-26)

Sec. 5-35. Fees.

Each application for a license for the following amusements shall be accompanied by the following fees:

1. **Carnivals.** For each carnival or enterprise where several amusements such as merry-go-rounds, shooting galleries, musical and theatrical entertainments and various other devices and entertainments are carried on or engaged in or continued as one enterprise, or by several concessionaires, the license fee shall be $100.00 per week or any portion thereof.

2. **Circuses.** For each circus and menagerie or combined circus, menagerie, caravan and wild west show, the license fee shall be $100.00 per week or any portion thereof.

3. **Motion picture theaters.** The theater operator's license fee shall be $200.00 annually. Where a person operates more than one theater screen within the same building or location, the annual license fee shall be $200.00 for the first theater screen and $100.00 for each additional theater screen.

4. **Penny arcades.** For each entertainment of the kind commonly known as a mutoscope parlor, penny arcade or other place where entertainment is furnished through or by one or more automatic moving picture devices or other similar devices, the license fee shall be $100.00 per week or any portion thereof.

5. **Roller skating rinks.** For each roller skating rink and each similar device or place, the license fee shall be $50.00 per year.

(Code 1972, § 5-27; Ord. No. 11-39, § 2, 12-5-11)

Secs. 5-36—5-50. Reserved.

ARTICLE III. BILLIARDS AND SHUFFLEBOARD
Sec. 5-51. License required.

No person shall operate, maintain or conduct a billiard table, pool table, bagatelle or pigeon-hole table or shuffleboard open to the public, or located in a private club and not owned by the club, without first having obtained a license therefor.

(Code 1972, § 5-38)

Sec. 5-52. Application for license.

All applications for a license required by this article shall state thereon the intended location of the hall or place of business, and the number of tables or boards to be used therein.

(Code 1972, § 5-39)

Sec. 5-53. License fees; display of licenses.

(a) The annual fees for a license required by this article shall be as follows:

(1) Billiard, pool, bagatelle or pigeon-hole tables. The fee shall be $25.00 for the first two tables and $10.00 for each additional table.

(2) Shuffleboard. The fee shall be $25.00 for the first two boards and $10.00 for each additional board.

(b) The annual licenses required by this article shall be prominently displayed at the place where the boards or tables are located. Such licenses shall be displayed by June 1 of each year and shall expire on May 31 of each year.

(Code 1972, § 5-40)

Sec. 5-54. Minors in licensed premises.

Minors under the age of 18 years shall under no circumstances frequent, loiter, go into or remain in any hall licensed under this article unless it is under the direction and with the consent and knowledge of the parent, guardian or other person having the lawful custody
of the minor. It shall be unlawful for the proprietor of any hall licensed under this article to permit any minor to frequent, loiter or remain in such hall in violation of this section.

(Code 1972, § 5-41)

Sec. 5-55. Hours of operation.

No pool hall or other hall licensed under this article shall be used on Sunday except during the hours from 1:30 p.m. to 11:00 p.m., and no such place shall be kept open between the hours of 12:00 midnight and 6:30 a.m. of any day.

(Code 1972, § 5-42)

Secs. 5-56—5-70. Reserved.

ARTICLE IV. BOWLING ALLEYS [3](22)

Sec. 5-71. License required.

Sec. 5-72. License fee; display of license.

Sec. 5-73. Hours of operation.

Sec. 5-74. Conduct of patrons.

Secs. 5-75—5-90. Reserved.

Sec. 5-71. License required.

No person shall operate or conduct for profit within the city any pinball or bowling alley without having first obtained a license therefor.

(Code 1972, § 5-53)

Sec. 5-72. License fee; display of license.

(a) The annual license fee for any pinball or bowling alley license shall be $15.00 per alley per year, but not less than $25.00 per year for any one place of business.

(b) The annual license required by this article shall be prominently displayed at the pinball or bowling alley place of business. Such license shall be displayed by June 1 of each year and shall expire on May 31 of each year.

(Code 1972, § 5-54)

Sec. 5-73. Hours of operation.

No person shall keep open any pinball or bowling alley on a Sunday except during the hours from 1:30 p.m. to 11:00 p.m., and no such place shall be kept open between
the hours of 12:00 midnight and 6:00 a.m. of any day.

(Code 1972, § 5-55)

Sec. 5-74. Conduct of patrons.

It shall be unlawful for any person keeping or conducting a pinball or bowling alley to permit the patrons of the pinball or bowling alley to make loud and boisterous noises so as to disturb the peace in the vicinity. It shall be unlawful for any person to make or cause any such noises in a pinball or bowling alley, or to congregate on the sidewalk or street in front of any such premises in such manner or in such numbers as to obstruct pedestrian or vehicle traffic along the street or sidewalk.

(Code 1972, § 5-56)

Secs. 5-75—5-90. Reserved.

ARTICLE V. COIN-OPERATED AMUSEMENT DEVICES [4][23]

Sec. 5-91. License required.

Sec. 5-92. Application for license.

Sec. 5-93. License fee; display of license.

Sec. 5-94. Operation by minors.

Secs. 5-95—5-110. Reserved.

Sec. 5-91. License required.

No person shall place or install or maintain or operate in any building or place within the city any mechanical coin-operated amusement device for use by the public, or located in a private club and not owned by the club, and for which a fee is charged, without first having obtained a license therefor.

(Code 1972, § 5-67)

Sec. 5-92. Application for license.

Any person desiring a license for a mechanical amusement device shall make application for that purpose to the city clerk, which application shall set forth the full name of the applicant, his address, the location and character of the building or place where such mechanical coin-controlled amusement devices are to be located, maintained and operated, the number of such devices to be located, maintained and operated in such building or place, the type of machine to be located, maintained and operated and the charge to be made to the customer for operating such device.

(Code 1972, § 5-68)
Sec. 5-93. License fee; display of license.

(a) The annual license fee shall be $27.50 for the first two coin-operated mechanical amusement devices and $11.00 for each additional coin-operated mechanical amusement device.

(b) The annual license required by this article shall be prominently displayed at the place where the coin-operated amusement devices are located. Such license shall be displayed by June 1 of each year and shall expire on May 31 of each year.

(Code 1972, § 5-69)

Sec. 5-94. Operation by minors.

It shall be unlawful to permit any person under 18 years of age to play or operate any coin-operated amusement device without the consent of his parents or legal guardian.

(Code 1972, § 5-70)

Secs. 5-95—5-110. Reserved.

ARTICLE VI. AUTOMATIC MUSIC DEVICES

Sec. 5-111. Definition.

Sec. 5-112. License required.

Sec. 5-113. Application for license.

Sec. 5-114. License fee; display of license.

Sec. 5-115. Use of music devices.

Sec. 5-111. Definition.

For the purposes of this article, the term "automatic music device" shall mean any phonograph, player piano, music box, jukebox or other instrument or device capable of producing or reproducing any vocal or instrumental sounds, other than a motion picture sound machine, which is governed or controlled by the deposit of a coin or token.

(Code 1972, § 5-81)

Sec. 5-112. License required.

No person shall keep or permit to be kept for gain or profit from operation within the city any automatic musical device without first having obtained a license therefor.

(Code 1972, § 5-82)
Sec. 5-113. Application for license.

An application for a license required by this article shall be made to the city clerk, in conformity with the general licensing provisions of this Code. In addition, the applicant shall set forth the description of the automatic musical devices intended to be kept for use on his premises.

(Code 1972, § 5-83)

Sec. 5-114. License fee; display of license.

(a) The annual fee for a license required by this article shall be $27.50 for the first two automatic music devices kept or installed on the licensed premises and $11.00 for each additional music device.

(b) The annual license required by this article shall be prominently displayed at the place where the automatic music devices are located. Such license shall be displayed by June 1 of each year and shall expire on May 31 of each year.

(Code 1972, § 5-84)

Sec. 5-115. Use of music devices.

No license issued under this article shall permit the operation of any automatic music device at any place or in any manner which will disturb the peace and quiet of persons outside the licensed premises. No immoral or indecent selections shall be played on any such instrument.

(Code 1972, § 5-85)

ARTICLE VII. LOTTERIES, RAFFLES, AND GAMBLING

DIVISION 1. LOTTERIES AND RAFFLES

Sec. 5-116. Compliance with state licensing code for lotteries and raffles.

Sec. 5-117. License required and fee.

Sec. 5-118. Prize or merchandise limitations.

Sec. 5-119. Violations.

Secs. 5-120—5-130. Reserved.

Sec. 5-116. Compliance with state licensing code for lotteries and raffles.

All city lottery and raffle licenses must comply with the provisions of the state licensing code for lotteries and raffles and shall be issued for each separate lottery or raffle, or
one license to one organization identifying the number of raffles or lotteries for a 12-month period, but all licenses issued will be for a period of time not to exceed one year, and to only those organizations found to be bona fide religious, charitable, labor, fraternal, educational or veterans organizations which operate without profit for their members and which have been in existence for five years immediately before making the application.

(Ord. No. 12-42, § 2, 8-6-12)

Sec. 5-117. License required and fee.

No raffle or lottery, as defined in ILCS Chapter 720, Act 5, Section 28-2, shall be conducted within the city without first securing a city license and paying the sum of $5.00 as a lottery or raffle license fee for the issuance of each license where the market value of the prizes and merchandise in subsection 5-118(b) is above $100.00 and the sum of $.50 for all those prizes below $100.00.

(Ord. No. 12-42, § 2, 8-6-12)

Sec. 5-118. Prize or merchandise limitations.

(a) The aggregate retail value of all prizes and merchandise awarded by a licensee in a single raffle should not exceed $250,000.00.

(b) The maximum retail value of each prize awarded in a single raffle should not exceed $250,000.00.

(c) The maximum price, which may be charged for each raffle chance issued or sold, shall not $1,000.00.

(d) The maximum number of days during which chances may be issued or sold shall not exceed one year or 365 days.

(Ord. No. 12-42, § 2, 8-6-12)

Sec. 5-119. Violations.

Any person conducting a lottery or raffle in violation of any of the provisions of this section shall be subject to a fine of not less than $100.00 and not more than $750.00 for each violation. Each lottery or raffle chance sold or held in violation of this section shall constitute a separate offense.

(Ord. No. 12-42, § 2, 8-6-12)

Secs. 5-120—5-130. Reserved.

DIVISION 2. GAMBLING

Sec. 5-131. Definitions.

Sec. 5-132. Gambling.
Sec. 5-133. Keeping a gambling place.

Sec. 5-134. Each day of violation as separate offense; violations.

Sec. 5-135. Business license may be revoked.

Sec. 5-136. Chief of police to enforce regulations.

Sec. 5-137. Seizure of gambling devices and gambling funds.

Sec. 5-131. Definitions.

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

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

2. Vending machines.
3. Crane games.
4. Redemption machines.

*Internet.* An interactive computer service or system or an information service, system, or access software provided that provides or enables computer access by multiple users to a computer server, including but not limited to an information service, system, or access software provider that provides access to a network system, commonly known as the internet, or any comparable system or service, and also including but not limited to a world-wide web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service. "Access" and "computer" have the meanings ascribed to them in ILCS Chapter 720, Act 5, § 16D-2.

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

*Policy game.* Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt.

(Ord. No. 12-42, § 2, 8-6-12)

Sec. 5-132. Gambling.
A person commits gambling when, within the corporate limits of the city, he/she:

1. Plays a game of chance or skill for money or another thing of value, unless excepted in subsection (b);
2. Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;
3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device;
4. Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, as described in ILCS Chapter 720, Act 5, § 28-1(a)(4);
5. Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the courses of a bet or wager;
6. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election;
7. Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery;
8. Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device;
9. Knowingly drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government;
10. Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state;
11. Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this division prohibits transmission or receipt of such information for use in news reporting of sporting events or contests; or
(12) Knowingly establishes, maintains, or operates an internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the internet.

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

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

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

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

(4) Manufacture of gambling devices, including the acquisition of essential parts therefore and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law;

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

(6) Lotteries when conducted by the state in accordance with ILCS Chapter 20, Act 1605, §§ 1 et seq.;

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

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

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

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

(11) Gambling games conducted on riverboats when authorized under ILCS Chapter 230, Act 10, §§ 1 et seq.;
Manufacturing of gambling devices, including the acquisition of essential parts therefore and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law; or the manufacturing, distribution, or possession of video gaming terminals, as defined in the Illinois Video Gaming Act (230 ILCS 40), by manufacturers, distributors, terminal operators and establishments licensed to do so under the Video Gaming Act; and

Video gaming terminal games located at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veteran’s establishment when conducted in accordance with the Illinois Video Gaming Act.

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

(Ord. No. 12-42, § 2, 8-6-12)

Sec. 5-133. Keeping a gambling place.

(a) For purposes of this section, a "gambling place" is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling. No person shall knowingly permit any premises or property owned or occupied by him or under his control to be used as a gambling place.

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

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

(2) The premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for and may be liable to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter.

(Ord. No. 12-42, § 2, 8-6-12)

Sec. 5-134. Each day of violation as separate offense; violations.

Each day a violation continues to exist or a person allows to be issued to him or her any valid receipt, stamp, or other evidence showing payment of the special tax for the maintenance or use of a slot machine in the city, or each day he or she allows himself or herself to be registered for the purpose of accepting wagers or conducting a wagering pool or lottery in the city, shall be deemed a separate offense. Any person conducting an activity in violation of any of the provisions of this section shall be subject to a fine of not less than $100.00 and not more than $750.00 for each violation.
Sec. 5-135. Business license may be revoked.

Every person holding a license issued by the city to conduct a legitimate business shall have the same revoked by the mayor, after a hearing held by him or her, if such licensee is convicted of violating any provision of this article. The licensee shall have an opportunity to be heard at such hearing, to be held not less than five days after notice of the time and place of the hearing, addressed to him or her at his or her last known place of business, has been mailed.

Sec. 5-136. Chief of police to enforce regulations.

It shall be the duty of the chief of police to enforce the provisions of this article. He or she shall report to the mayor at such intervals as determined by the mayor and state in detail the work that has been done to cause the sections of this article to be strictly enforced and adhered to.

Sec. 5-137. Seizure of gambling devices and gambling funds.

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

(b) Every gambling device shall be seized and forfeited as contraband to the county wherein the seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein the seizure occurs.

Chapter 6 ANIMALS [1](24)

ARTICLE I. IN GENERAL

Sec. 6-1. Livestock or poultry running at large.
Sec. 6-1. Livestock or poultry running at large.

It shall be unlawful for the owner, bailee or person having charge or custody of any horses, asses, mules, cattle, swine, sheep, goats or poultry to permit any such animal or fowl to run at large in the city or to herd or tether the animal or fowl in any public place in the city. Any such animal or fowl running at large or herded or tethered in violation of this section is hereby declared a nuisance and shall be impounded as in the case of dogs as provided in this chapter.

(Code 1972, § 6-1)

Authority of city to prevent certain animals from running at large, 65 ILCS 5/11-20-9.

Sec. 6-2. Keeping of livestock prohibited.

It shall be unlawful for any person to keep any hogs, pigs, swine, horses, asses, mules, cattle, sheep, chickens or goats in the city in any zoned area other than AG - Agricultural. Any property or person not in compliance as of the date of this section shall be made to comply with the provisions herein, within 30 days of the passage of this section.

(Code 1972, § 6-2; Ord. No. 16-32, § 2, 11-8-16)

Sec. 6-3. Cruelty to animals.

It shall be unlawful for any owner or harborer of a domestic animal to fail or refuse to provide for their animal:

1. Sufficient quantity of good and wholesome food and water;
2. Proper protection and shelter from the weather;
3. Veterinary care when needed to prevent suffering;
4. Humane treatment; and
5. Prompt removal and sanitary disposal of all excreta deposited by the animal anywhere in the city.
As used in this section, "shelter" shall mean a moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground. Such structure shall be provided with a sufficient quantity of suitable bedding (in the form of straw, cedar or other appropriate material which will provide proper insulation) to provide insulation and protection against cold and dampness.

The penalty for a violation of this section shall be established in the penalty fee schedule, as contained in section 6-132(d).

(Code 1972, § 6-3; Ord. No. 2577, § 1, 6-21-93; Ord. No. 16-04, § 2, 2-16-16)

Authority of city to prevent cruelty to animals, 65 ILCS 5/11-5-6.

Sec. 6-4. Dangerous animals running at large; permit required for exhibition of wild animals.

It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city. Exhibitions or parades of animals which are wild by nature in the eyes of the law may be conducted only upon securing a permit from the city council.

The penalty for a violation of this section shall be established in the penalty fee schedule, as contained in section 6-132(d).

(Code 1972, § 6-4; Ord. No. 16-04, § 3, 2-16-16)

Sec. 6-5. Destruction of dangerous animals.

The members of the police department are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

(Code 1972, § 6-5)

Sec. 6-6. Noisy animals.

It shall be unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night.

(Code 1972, § 6-6)

Sec. 6-7. Cockfighting.

It shall be unlawful for any person to keep or use or in any way be connected with or interested in the management of or receive money for the admission of any person to any place kept or used for the purpose of fighting any cock or other creature, and no person shall engage, encourage, aid or assist therein or permit or suffer any place to be so kept or used and no person shall visit such a place or be found therein.

(Code 1972, § 6-7)

Secs. 6-8—6-30. Reserved.
ARTICLE II. DOGS AND CATS; DANGEROUS ANIMALS

DIVISION 1. GENERALLY

Sec. 6-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Animal** means every living creature, other than man, which may be affected by rabies.
- **Animal shelter** shall mean the agency or business that has contracted with the city to provide impoundment and animal shelter services.
- **At large** shall mean off the premises of the owner and not under the control of a leash of the owner, possessor or keeper. For the purposes of this chapter, voice control shall not be considered as control.
- **Attack** means to charge in an aggressive manner such that a reasonable person would be put in fear that biting will follow. As used in this chapter, the term shall not require actual physical injury to be inflicted in order to be deemed an "attack".
- **Cat** means all members of the family Felidae.
- **Confined** means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.
- **Dangerous animal** shall mean:
  
  (1) Any individual animal which when either unmuzzled, unleashed, or unattended by its owner, or owner's designee, in a vicious or terrorizing manner, approaches any person in an unjustified apparent attitude of attack upon streets, sidewalks, any other public place, or any...
property other than the property of the animal's owner; or

(2) Any dog which bites a person or other domestic animal whether on public or private property but does not cause injury; or

(3) Any dog which has been declared a "dangerous dog" by any other jurisdiction.

Dog subject to euthanasia shall mean:

(1) Any dog which has killed any person, dog, or cat; or

(2) Any dog which has rabies; or

(3) Any dog previously declared "vicious" and bites a person or animal causing injury to that person or animal; or

(4) Any dog previously declared "vicious" and when unmuzzled, in an aggressive or terrorizing manner approaches any person in an unjustified apparent attitude of attack on any street, sidewalk or public property or private property other than the property of the owner of the dog; or

(5) Any dog previously declared "vicious" which is not kept in the manner required of keepers of "vicious" dogs.

Enclosure, for purposes of vicious animal, shall mean a fence that is buried at least 12 inches to 18 inches below ground level or other structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog or dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall feature a concrete pad, be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure in any manner. If the enclosure is a room within a residence, the door must be locked. A vicious dog/cat may be allowed to move about freely within the entire residence if it is muzzled at all times.

Found to be dangerous shall mean that the hearing officer or a court of competent jurisdiction has found the animal to be a "dangerous animal" as defined in this section and has entered an order based on that finding.

Found to be vicious shall mean that the hearing officer or a court of competent jurisdiction has found the animal to be a "vicious animal" as defined in this section and has entered an order based on that finding.

Hearing officer means a resident of the City of Macomb as appointed by the mayor, and with the consent of the city council.

Injury means any wound requiring medical or veterinary treatment.

Leash shall mean a cord, rope, strap or chain securely fastened to an animal by a collar or harness, and of sufficient strength to keep such animal under control.
**Muzzle** means a device constructed of strong, soft material or a metal muzzle designed to prevent a dog or cat from biting any person or animal. The muzzle must be made in a manner which will not cause injury to the dog or cat or interfere with its vision or respiration, but must prevent it from biting any person or animal.

**Owner, possessor** or **keeper** shall mean any person having a right of property in an animal, who keeps or harbors an animal, or has it in his/her care, or acts as its custodian, exerts control over it, or who knowingly permits an animal to remain on or about premises owned or occupied by such person.

**Vicious animal** means:

1. **Any individual animal:**
   a. When unprovoked, inflicts bites or attacks a human being or a domestic animal either on public or private property; or
   b. That has been found to be a "dangerous" dog or animal on two separate occasions in this or other jurisdictions; or
   c. That has been found to be "vicious" by any other jurisdiction.

2. No animal shall be deemed "vicious" if it is a trained law enforcement dog performing in the line of duty for a law enforcement agency, or if it bites a trespasser on the property of its owner or bites anyone who has tormented or abused it.

*(Code 1972, § 6-8; Ord. No. 13-30, § 2, 8-5-13)*

Definitions and rules of construction generally, § 1-2.

**Sec. 6-32. Dogs running at large.**

(a) The owner or keeper of any dog shall keep his dog under restraint at all times and shall not permit the dog to be at large off the premises or property of the owner or the keeper, unless under the control of a competent person.

(b) A dog is under restraint within the meaning of this section if he is controlled by a leash, at heel beside a competent person, and is obedient to that person's commands, or when under the control of a competent person on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper.

(c) Each dog running at large within the city shall be liable for impoundment at any time by the animal control officer.

*(Code 1972, § 6-9)*
Sec. 6-33. Removal of collars, tags and leashes from dogs or cats prohibited; exceptions.

It shall be unlawful for any person other than the animal control officer or a police officer to remove the collar, inoculation tag or leash from any dog or cat within the city without the consent of the owner or keeper of the dog or cat.

(Code 1972, § 6-10)

Sec. 6-34. Certain dogs and cats declared nuisance.

Any dangerous, fierce or vicious dog or cat running at large in any street, alley or other public place within the city or upon the private premises of any person other than the owner or keeper thereof, and any dog or cat which may in any manner unduly disturb the quiet of any person or neighborhood within the city, is hereby declared to be a nuisance, and the dog or cat shall be taken up and impounded in the manner provided in this article for impounding dogs or cats not wearing a current inoculation tag.

(Code 1972, § 6-11)

Sec. 6-35. Impoundment and treatment of injured dogs and cats.

The animal control officer shall remove from any street or public place within the city any injured dog or cat not being attended and properly cared for by the owner and shall, if he deems it advisable, impound and confine the dog or cat with some veterinarian within the city. If the veterinarian shall treat the injured dog or cat, he shall advise the animal control officer of the cost of the treatment, and if such dog or cat is redeemed as provided in this article the person redeeming the dog or cat shall also pay the charges of the veterinarian. If the dog or cat is not redeemed, it shall be disposed of in the manner provided in this chapter.

(Code 1972, § 6-12)

Sec. 6-36. Female dogs or cats in heat.

The owner or keeper of a female dog or cat which is in heat shall keep such dog or cat confined at all times within a secure pen or other enclosure. Any such dog or cat not so confined shall be taken up and impounded in the city animal shelter, and the dog or cat shall be disposed of or may be redeemed upon payment of the same fees and in the same manner as dogs or cats may be redeemed which have been impounded.

(Code 1972, § 6-13)

Sec. 6-37. Defecation cleanup.

No person shall permit any cat or dog owned by him to defecate upon any property not owned by such person without the consent of such other property owner, or upon any public property, without immediately removing the feces left by the cat or dog, and disposing of the feces in a proper manner.
Sec. 6-38. Restrictions for tethering and chaining.

(a) No owner, keeper, harborer, or maintainer of a dog may tether, fasten, chain or tie a dog, or allow his/her dog to be tethered, fastened, chained or tied to any permanent or temporary structure, any post attached to the ground or any permanent or temporary structure, or to any weight designed to restrict the dog's freedom of movement to a limited area of space, except where:

(1) The tethering, fastening, chaining or tying of the dog to any structure, post or weight is temporary; and
(2) The tethering, fastening, chaining, or tying of the dog to any structure, post, weight is under the supervision of the owner, keeper, harborer, or maintainer or a responsible person to whom the task of supervision is delegated.

(b) The tethering, fastening, chaining, or tying of a dog to any structure or post shall be considered temporary only if the time the dog is tethered, fastened, chained or tied to any structure, post or weight is:

(1) No more than ten hours at any one time; and
(2) No more than a total of 12 hours within a 24-hour period.

(c) The penalty for a violation of this section shall be established in the penalty fee schedule, as contained in section 6-132(d).

(Ord. No. 13-30, § 2, 8-5-13; Ord. No. 16-04, § 4, 2-16-16)

Secs. 6-39—6-50. Reserved.

DIVISION 2. DOG LICENSE

Sec. 6-51. Tag.

Secs. 6-52—6-70. Reserved.

Sec. 6-51. Tag.

Every owner or keeper of a licensed dog shall keep and maintain a collar around the neck of such animal with the license tag securely attached thereto, the license tag to be provided by the county, and every dog found at large in the city not wearing a collar with such tag attached thereto shall be deemed an unlicensed dog and a dog at large contrary to the provisions of this article.
(Code 1972, § 6-16)

Secs. 6-52—6-70. Reserved.

DIVISION 3. RABIES CONTROL

Sec. 6-71. Inoculation required.

Sec. 6-72. Dogs to wear collar with current inoculation tag.

Sec. 6-73. Impoundment of dogs without inoculation tag.

Sec. 6-74. Confinement of dogs or cats biting or injuring person.

Sec. 6-75. Procedure when rabies suspected.

Secs. 6-76—6-90. Reserved.

Sec. 6-71. Inoculation required.

Each owner or keeper of a dog or cat within the city shall cause the dog or cat to be inoculated by a licensed veterinarian within 12 months preceding May 1, 1972, and each year thereafter by May 1 or such other period as the department shall deem necessary.

(Code 1972, § 6-17)

Sec. 6-72. Dogs to wear collar with current inoculation tag.

Each dog kept within the city shall be provided by its owner or keeper with a good and substantial collar, and he shall cause to be attached thereto in a secure manner a current inoculation tag. The owner or keeper shall, at all times, cause the dog to wear the collar with the inoculation tag attached thereto.

(Code 1972, § 6-18)

Sec. 6-73. Impoundment of dogs without inoculation tag.

Any dog found within the city off the premises occupied by the owner of the dog and not wearing a collar with the inoculation tag attached thereto as required by this division shall be impounded and disposed of as provided in this chapter.

(Code 1972, § 6-19)

Sec. 6-74. Confinement of dogs or cats biting or injuring person.

It shall be unlawful for the owner or keeper of any dog or cat, when notified that such dog or cat has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such dog or cat or to permit or allow the dog or cat to be taken beyond the limits of the city, but it shall be the duty of the owner or keeper, upon receiving notice of such an injury caused by the dog or cat from the health officer or otherwise,
to surrender possession of the dog or cat to the animal control officer for confinement at a licensed veterinary clinic in the city for not less than ten days, the cost of such confinement to be paid by the owner or keeper.

(Code 1972, § 6-20)

Sec. 6-75. Procedure when rabies suspected.

Any dog or cat having symptoms of the disease known as rabies shall be confined under the supervision of a veterinarian for a period of ten days. Any dog or cat having any symptoms of rabies, when impounded by the animal control officer, shall be immediately placed in the care of a veterinarian. If it shall be deemed that the dog or cat is suffering from rabies, the animal may not be destroyed without specific authorization of the veterinarian.

(Code 1972, § 6-22)

Secs. 6-76—6-90. Reserved.

DIVISION 4. IMPOUNDMENT OF DOGS AND CATS

Sec. 6-91. Impoundment.

Sec. 6-92. Notice of impoundment.

Sec. 6-93. Disposition of impounded animals.

Secs. 6-94—6-99. Reserved.

Sec. 6-91. Impoundment.

An animal is subject to impoundment if it:

(1) Is found within the city without proper rabies tag;

(2) Is found to run at large, is lost, is apparently abandoned, or is otherwise deemed a stray;

(3) Has been treated cruelly, or is in distress or in imminent danger of harm to its safety or health;

(4) Has bitten any person or animal, or is believed to have otherwise behaved in a threatening, dangerous, terrorizing, or vicious manner;

(5) Has been found to be dangerous, unless it has at all times been kept restrained and muzzled as required by this chapter;

(6) Has been found to be vicious;

(7) Is believed to be a source or threat of rabies or other infectious disease, is otherwise diseased, or presents a hazard to public
health;

(8) Is a female dog or cat that is readily accessible to a male of the same species during periods of estrus (heat) for said female dog or cat, whether said female dog or cat is on or off the property of its owner, except as part of a planned and supervised breeding; or

(9) Is otherwise subject to impoundment under any other section of this chapter or state law.

The owner shall be responsible for all costs incurred during impoundment, including the cost of impoundment, according to the terms and conditions set forth in this chapter.

(Code 1972, § 6-24; Ord. No. 13-30, § 2, 8-5-13)

Sec. 6-92. Notice of impoundment.

(a) Immediately after receiving any animal for impounding, it shall be the duty of the animal shelter to enter upon the records of the pound in a book to be kept by the animal shelter for such purpose the date of impounding, a description of the animal impounded, and a record as to whether or not such animal has been inoculated and tagged with a proper rabies tag as required by this chapter.

(b) Public notice of the impounding of such an animal shall be given by posting one copy of the description of such an animal and date of impoundment at the pound or by mailing a letter of notice to the owner if they are identified.

(Code 1972, § 6-25; Ord. No. 13-30, § 2, 8-5-13)

Sec. 6-93. Disposition of impounded animals.

(a) Dogs, cats, and other animals may be redeemed from impoundment only upon compliance with this section and only when otherwise permitted by this chapter.

(b) No animal may be redeemed from impoundment unless its owner first pays the impoundment fee as prescribed in this chapter, the daily impoundment fee, the rabies vaccination fee, and any other costs for spaying or neutering, veterinary, or other care.

(c) Animals subject to proceedings to determine whether they are dangerous or vicious may be redeemed from impoundment only at such time as permitted under those proceedings.

(d) If any impounded dog or cat has not been vaccinated against rabies, the impounder shall notify the county rabies control, giving the name and address of the owner. No dog or cat that has been impounded may be released unless it has first been vaccinated for rabies or unless the owner demonstrates that the animal has a current vaccination against rabies.
(e) No dog or cat which is not neutered or spayed, and which has three times been found to roam at large, may be returned to its owner unless it has first been neutered or spayed at the expense of the owner. The neutering or spaying requirement may be satisfied either by having the procedure performed at the place of impoundment or by having the dog or cat delivered to a veterinarian of the owner's choice for performance of the procedure.

(f) Any animal impounded and not redeemed within seven days after being impounded or, in the case of an animal subject to proceedings regarding dangerousness or viciousness, within seven days after the animal is authorized to be redeemed from impoundment, shall be disposed of in a manner consistent with the laws of the state.

(g) The city may seek a judgment for all costs incurred during impoundment of an animal, including but not limited to, the cost of impoundment and veterinarian expenses, separately or as part of any pending action in court involving an animal or a defendant's conduct. Such costs shall be in addition to any fines imposed, not in lieu of them.

(h) If any dog, cat, or other animal commonly considered to be, or considered by the owner to be, a pet is impounded, the city may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the city in caring for and providing for the animal pending conclusion of the court proceedings. Reasonable expenses include, but are not limited to, estimated medical care and boarding of the animal for 30 days. The city may file a petition with the court upon expiration of the thirty-day period requesting the posting of additional security. If security has been posted in accordance with this subsection, the city may draw from the security the actual costs incurred in caring for the animal. The city must serve a true copy of the petition on the owner, either personally or by first class mail to the owner's last known address, at least five business prior to any hearing. If the court orders the posting of security, the security must be posted with the city finance department within five business days after the hearing. If the person ordered to post security does not do so, the animal is forfeited by operation of law and shall be humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling ordinances, or provisions of state law.

(Code 1972, § 6-26; Ord. No. 13-30, § 2, 8-5-13)

Secs. 6-94—6-99. Reserved.

DIVISION 4A. DANGEROUS AND VICIOUS DOGS

Sec. 6-100. Dangerous dogs.

Sec. 6-101. Vicious dogs.
Sec. 6-100. Dangerous dogs.

(a) A hearing officer, or any adult person may request, under oath, that a dog be classified as a dangerous dog by submitting a sworn, written complaint on a form approved by the hearing officer. Within three days of receipt of such complaint, the hearing officer shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. The owner of the dog shall not dispose of the dog in any manner during an active investigation.

(b) At the conclusion of the investigation, the hearing officer may:

   (1) Determine that the dog is not dangerous and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

   (2) Determine that the dog is dangerous and, if the dog is impounded, release the dog to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within 15 business days after notification that a dog is dangerous, the officer may cause the dog to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(c) Within five business days after declaring a dog dangerous, the Hearing Officer shall notify by mailing a letter to the owner of the dog's designation as a dangerous dog, and of the requirements and conditions for keeping the dog, as set forth herein. The notice shall inform the dog owner that they may request, in writing, a hearing to contest the finding and designation within 15 business days after mailing of the dangerous dog designation notice.

(d) The hearing officer or his designee shall hold a hearing within 15 days after receiving the dog owner's written request for such a hearing. The hearing officer or his designee shall provide notice of the date, time and location of the hearing to the dog owner and to the complainant by regular mail. The hearing shall be conducted informally, the strict rules of evidence shall not apply, hearsay is admissible, and it shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence to explain why the dog should not be declared a dangerous dog. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other persons having knowledge of the facts and circumstances, may be heard by the hearing officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The hearing officer or his
designee shall decide all issues for or against the owner of the dog regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include, but not be limited to, the following:

1. Provocation;
2. Severity of attack or injury to a person or domestic animal;
3. Previous aggressive history of the dog;
4. Observable behavior of the dog;
5. Site and circumstances of the incident;
6. Statements from interested parties;
7. Any medical records; and
8. Veterinary medical records or behavioral records.

(e) A determination at a hearing that the dog is in fact a dangerous dog as defined herein shall subject the dog and its owner to the provisions of this section.

(f) Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this section.

(g) If the hearing officer or his designee determines that a dog is dangerous at the conclusion of a hearing conducted under this chapter, that decision shall be final unless the dog owner appeals to a court of competent jurisdiction for any remedies that may be available within 35 days after receiving notice that the dog has been finally declared dangerous.

(h) It shall be unlawful for any person to keep or maintain any dog which has been found to be a dangerous dog unless the person meets the following requirements within two weeks of final finding:

1. **Registration of dangerous dog.** The owner shall register a dangerous dog within two weeks of the dog being declared dangerous unless a hearing has been requested, during which time these requirements are stayed. The dog must be registered by April 1 of each year thereafter. The dog shall be registered with the City of Macomb City Clerk. The cost of each registration shall be $500.00.

2. **Insurance.** A certificate of insurance evidencing coverage in an amount not less than $50,000.00 insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the dangerous dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled,
terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability insurance policy during a 12-month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.

(3) **Permanent identification.** Each dangerous dog shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog, at the expense of the owner.

(4) **Transfer of ownership.** The owner of a dangerous dog shall not transfer ownership of such animal to any other person without first providing the city with the name and address of the new owner.

(5) **Spaying or neutering.** If deemed dangerous, the owner shall be ordered to have the dog spayed or neutered within 14 days at the owner's expense.

(6) **Evaluation.** On a final determination that a dog is deemed dangerous, the hearing officer or his designee may order that the dog undergo an evaluation by a certified behaviorist or other recognized specialist in this field, and subsequently complete treatment or training deemed appropriate by the expert. Such costs associated with the above evaluation and treatment/training to be the responsibility of the owner of the dog.

(7) **Muzzle.** On a final determination that a dog is deemed dangerous, the hearing officer or his designee may order that the dog be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.

(8) **Identification of owner.** Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license.

(9) **Identification of dog.** Two photographs of the dangerous dog to be licensed taken not more than one month before the date of the application. One photograph shall provide a front view of the dangerous dog and shall clearly show the face and ears of the dangerous dog. One photograph shall show a side view of the dangerous dog.

(i) No person shall permit any dangerous dog to leave the premises of its owner when not under control by leash no longer that four feet in length by an adult 18 years of age or older or within an enclosed vehicle.

(j) The owner of any dog found to be dangerous shall maintain such animal in such a manner as to prevent its coming in contact with
any person not residing with the owner, unless the dog is getting veterinary care or being boarded at a facility that can ensure all requirements pertaining to a dangerous dog can be continuously maintained during the boarding period.

(k) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standards for show purposes are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section, each such dog shall be currently inoculated against rabies and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the hearing officer of changes of address. In the case of a sentry or guard dog, the owners shall keep the hearing officer and the city clerk advised of the location where such dog will be stationed.

(l) The penalty for a violation of this section shall be established in the penalty fee schedule, as contained in section 6-132(d).

(Ord. No. 13-30, § 2, 8-5-13; Ord. No. 16-04, § 5, 2-16-16)

Sec. 6-101. Vicious dogs.

(a) A vicious dog means any dog found to be a dangerous dog by the hearing officer or his designee on two separate occasions, or a dog whose attack is of such a savage nature as to cause physical injury, thereby rendering it vicious on its first attack, and shall be reported to the hearing officer as such.

(b) Any individual dog that, when unprovoked, inflicts bites or attacks a human being or other domestic animal either on public or private property.

(c) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(d) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(e) A hearing officer or any adult person may request under oath that a dog be classified as vicious by submitting a sworn, written complaint on a form approved by the hearing officer. Within three days upon receipt of such complaint, the hearing officer shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(f) At the conclusion of an investigation, the hearing officer may:

(1) Determine that the dog is not vicious
and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

(2) Determine that the dog is vicious and, if the dog is impounded, release the dog to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within 15 business days after a final determination that a dog is vicious, the animal control officer may cause the dog to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(g) Within five business days after declaring a dog vicious, the Hearing Officer shall give written notice by certified mail, to the dog's owner of the dog's designation as vicious. The notice shall inform the owner that they may request, in writing, a hearing to contest the finding and designation within 15 business days after mailing of the vicious dog designation notice.

(h) The hearing officer or his designee shall hold a hearing within 15 days after receiving the dog owner's written request for such a hearing. The hearing officer or his designee shall provide notice of the date, time and location of the hearing to the dog owner and to the complainant by regular mail. The hearing shall be conducted informally, the strict rules of evidence shall not apply, hearsay is admissible, and it shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence to explain why the dog should not be declared a vicious dog. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other persons having knowledge of the facts and circumstances, may be heard by the hearing officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The hearing officer or his designee shall decide all issues for or against the owner of the dog regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include, but not be limited to, the following:

(1) Provocation;
(2) Severity of attack or injury to a person or domestic animal;
(3) Previous aggressive history of the dog;
(4) Observable behavior of the dog;
(5) Site and circumstances of the incident;
(6) Statements from interested parties;
(7) Any medical records; and
(8) Veterinary medical records or behavioral records.

(i) If the hearing officer or his designee determines that a dog is vicious at the conclusion of a hearing conducted under this section, that
decision shall be final unless the dog owner appeals to a court of competent jurisdiction for any remedies that may be available within 35 days after receiving notice that the dog has been finally declared vicious.

(j) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a vicious dog unless the person meets the following requirements within ten days of final finding:

1. Registration of vicious dogs. The owner shall register a vicious dog within two weeks of the dog being declared vicious. The dog must be registered by April 1 of each year thereafter. The dog shall be registered with the city clerk. The cost of each registration shall be $750.00.

2. Insurance. A certificate of insurance evidencing coverage in an amount not less than $100,000.00 insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the vicious dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a vicious dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during a 12-month period for which a permit is sought, unless he ceases to own or keep the dog prior to the expiration date of the permit.

3. Permanent identification. Each vicious dog shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog, at the expense of the owner.

4. Transfer of ownership. No owner or keeper of a vicious dog shall sell or give away a vicious dog.

5. Enclosure. No person shall own, keep or maintain a vicious dog in an exterior area unless such dog is at all times kept in a enclosed structure constructed and maintained in accordance with this section, except that a vicious dog may be confined outside of a enclosed structure in a manner set forth in subsection (k)(8) herein. A dog found to be a vicious dog shall not be released to the owner until the hearing officer or his designee and the zoning department approves the enclosure.

6. Signs. All persons possessing a vicious dog shall display, in a prominent place on the premises where a vicious dog is to be kept, a sign which is readable by the public from a distance of not less than 50 feet using the words "Beware of Vicious Dog." A similar sign shall be posted on any confinement structure.
(7) No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the vicious dog to exit the structure on its own volition. No vicious dog shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the vicious dog from exiting the structure.

(8) No person shall permit a vicious dog to go outside an enclosed structure, house or other structure unless the vicious dog is securely restrained with a leash no longer than four feet in length and a minimum tensile strength of 300 pounds and fitted with a muzzle. No person shall permit a vicious dog to be kept on a leash unless a person 18 years old or older is in actual physical control of the leash and is physically able to control the dog.

(9) The only time that a vicious dog may be allowed out of the enclosure are:

a. If it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or boarded at a facility that can ensure all requirements pertaining to a vicious dog can be continuously maintained during the boarding period.

b. To comply with the order of a court of competent jurisdiction; and/or

c. To allow the owner or keeper to walk the vicious dog, provided that said vicious dog is securely muzzled and restrained with a leash having a minimum tensile strength of at least 300 pounds and not exceeding four feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog/cat. Such owner is to be 18 years of age or older and physically able to control the dog.

(10) Spayed or neutered. Once a dog is found to be a vicious dog, the dog shall be spayed or neutered within ten days of the finding at the expense of its owner.

(11) Verification of the identity of the owner and current address shall be provided by a photostatic copy of the owner's driver's license.

(12) In addition to permanent identification set forth under subsection (3) hereof, identity of the vicious dog shall be provided by two photographs of the vicious dog to be licensed taken not more than one month before the date of the application. One photograph shall provide a front view of the vicious dog and shall clearly show the face and ears of the vicious dog. One photograph shall show a side view of the vicious dog.
(k) The owner of any dog found to be vicious shall maintain such animal in such a manner as to prevent its coming into contact with any person not residing with the owner, except when necessary to obtain veterinary care for the vicious dog or when the vicious dog is being boarded at a facility that can ensure all requirements pertaining to a vicious dog can be continuously maintained during the boarding period.

(l) No dog shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner, anyone assaulting its owner, anyone who has tormented or abused it, or is a professionally trained dog used for law enforcement or guard duties.

(m) A finding by the court of the failure to comply with this section will result in the impoundment of any dog which has been found to be a vicious dog and which is not confined in an enclosure by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian or to the hearing officer and humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.

(n) The owner of all professional guard dogs and animals trained to the same standard as guard dogs for show purposes shall register their animals with the city clerk. It shall be the duty of the owner of each such dog to notify the city clerk of changes of address and the owner shall keep the city clerk advised of the location where such dog will be stationed. The city clerk shall provide police and fire departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to them.

(o) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standard as guard dogs for show purposes are exempt from this section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for an exemption under this section, each such dog shall be currently inoculated against rabies and performing duties as expected.

(p) If a dog is not properly registered with the city clerk under this section there is a rebuttable presumption that the dog does not qualify as a professional guard or show dog.

(q) The escape from confinement of any vicious dog shall be reported by the owner to the police upon discovery of the escape.

(r) The biting or nipping of any person or animal by a vicious dog shall be reported by the owner to the police upon occurrence.

(s) The birth of any offspring of a vicious dog shall be reported by the owner to the police within 48 hours of the birth of the offspring.

(t) The penalty for a violation of this section shall be established in the penalty fee schedule, as contained in section 6-132(d).

(Ord. No. 13-30, § 2, 8-5-13; Ord. No. 16-04, § 6, 2-16-16)
Sec. 6-102. Impoundment procedures.

(a) **Impounding—General:** Any animal control officer under contract with the city may impound dangerous and vicious dogs in accordance with the provisions of this chapter or state statute.

(b) **Impounding—Immediate:** Following notice to the owner and prior to the date set for hearing, in the event that a law enforcement officer, or any animal control officer, has probable cause to believe that an individual dog is a vicious dog and may pose an immediate threat of serious harm to human beings or other domestic animals, the law enforcement officer or any animal control officer may seize and impound the dog pending disposition of the hearing. The owner of the dog shall be responsible for payment for the costs and expenses of keeping the dog unless the hearing officer finds the dog is neither dangerous nor vicious, in which case no redemption fee is due.

(Ord. No. 13-30, § 2, 8-5-13)

Secs. 6-103—6-110. Reserved.

DIVISION 5. DANGEROUS ANIMALS AND REPTILES

Sec. 6-111. Keeping of dangerous animals.

Sec. 6-112. Domestication no defense.

Sec. 6-113. Permit required.

Sec. 6-114. Keeping of vicious animals prohibited.

Secs. 6-115—6-130. Reserved.

Sec. 6-111. Keeping of dangerous animals.

(a) No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, wolf or coyote, or any poisonous or life-threatening reptile (such as an alligator or python), without a permit as provided in this division, in any place other than a properly maintained zoological park, circus, scientific or education institution, research laboratory, veterinary hospital or animal refuge.

(b) No person shall keep or harbor any dangerous animal in violation of this section within the city. Such animals are hereby declared nuisances and are subject to impoundment.

(c) All owners or keepers of animals found to be dangerous must post in clear view at all times, and in the most conspicuous or prominent point of entry to the premises, a sign indicating dangerous animal on the premises. Such sign shall be at least 8½ inches by 11 inches in size, and
shall contain in words and pictures, a clear indication that a dangerous dog or animal is on the premises.

(d) No person shall transfer, sell or give away to any person within the city any animal that has been found to be dangerous, unless the transferor, prior to the transfer, informs the receiving party of the finding and notifies the animal control warden of the pertinent details of the transfer.

(e) It is not the intent of this chapter to prohibit law enforcement officers from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.

(f) The penalty for a violation of this section shall be established in the penalty fee schedule, as contained in section 6-132(d).

(Code 1972, § 6-27; Ord. No. 05-14, § 2, 5-2-05; Ord. No. 13-30, § 2, 8-5-13; Ord. No. 16-04, § 7, 2-16-16)

Sec. 6-112. Domestication no defense.

It is no defense to a violation of this division that the keeper of any animal or poisonous or life-threatening reptile which is prohibited by section 6-111 has attempted to domesticate such animal or poisonous or life-threatening reptile.

(Code 1972, § 6-28; Ord. No. 05-14, § 3, 5-2-05)

Sec. 6-113. Permit required.

Any person desiring to keep any animal or poisonous or life-threatening reptile prohibited by this division must first obtain a permit from the zoning officer of the city. Failure to do so constitutes a violation of section 6-111, and each day of violation constitutes a separate offense subject to the penalties of section 1-8 of the Municipal Code.

(Code 1972, § 6-29; Ord. No. 05-14, § 4, 5-2-05)

Sec. 6-114. Keeping of vicious animals prohibited.

(a) No person shall keep, harbor, sell, abandon, or give away any vicious animal within the city, whether or not owned by such person, except to relinquish the animal for impoundment. Such animals are hereby declared nuisances and are subject to impoundment.

(b) An animal impounded under this section will not be returned to the owner or any other person unless the animal is found not to be vicious. Animals found to be vicious will be turned over by the city to an appropriate agent or agency for humane destruction.

(c) No property owner or landlord's agent shall knowingly permit any tenant to move a vicious animal into or keep a vicious animal in any building or premises owned or controlled by such person. Any property owner learning of any vicious animal in any building or premises owned or controlled...
by such a landlord or agent thereof shall notify the person having such animal to remove the animal from the premises immediately.

(d) It is not the intent of this chapter to prohibit the police department from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.

(e) Any owner of any animal impounded under this section shall be responsible for the costs incurred during the period of impoundment, such as food, veterinary care, and board, unless the animal is found not to be dangerous or vicious.

(f) The penalty for a violation of this section shall be established in the penalty fee schedule, as contained in section 6-132(d).

(Ord. No. 13-30, § 2, 8-5-13; Ord. No. 16-04, § 8, 2-16-16)

Secs. 6-115—6-130. Reserved.

DIVISION 6. ENFORCEMENT

Sec. 6-131. Enforcement officers.

Sec. 6-132. Penalty.

Sec. 6-131. Enforcement officers.

The city council shall employ an animal control officer, who is hereby declared to be a conservator of the peace. The animal control officer and the members of the police department shall carry out and enforce the provisions of this division.

(Code 1972, § 6-30)

Sec. 6-132. Penalty.

(a) Upon a finding of guilt, the owner or keeper of any animal shall be liable for all damages that may accrue to any other person by reason of any such animal pursuing, chasing, wounding or killing any animal belonging to such other person, provided, however, that no owner or keeper of any animal shall be liable for any damage caused by such animal having rabies or other similar disease unknown to such owner or keeper.

(b) If an animal, without provocation, attacks or injures any person who is peaceably conducting himself/herself in any place where he/she may lawfully be, the owner or keeper of such animal shall be liable in damages to the person so attacked or injured to the full amount of the injury sustained after a finding by the court of such violation of this chapter.

(c) Upon a finding of guilt, the owner or keeper of any
animal which damages or destroys any public or private property shall be held liable for the full value of the property damaged or destroyed.

(d) Any person found guilty of violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of this Chapter shall, upon finding thereof, be fined as set forth in the following schedule:

<table>
<thead>
<tr>
<th>Section Description</th>
<th>Fine Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 6-3. Cruelty to animals</td>
<td>not less than $275.00</td>
</tr>
<tr>
<td>Sec. 6-4. Dangerous at large</td>
<td>not less than $350.00</td>
</tr>
<tr>
<td>Sec. 6-38. Tethering restrictions</td>
<td>not less than $275.00</td>
</tr>
<tr>
<td>Sec. 6-100. Dangerous dog</td>
<td>not less than $300.00</td>
</tr>
<tr>
<td>Sec. 6-101. Vicious dog</td>
<td>not less than $500.00</td>
</tr>
<tr>
<td>Sec. 6-111. Keeping of dangerous animals</td>
<td>not less than $300.00</td>
</tr>
<tr>
<td>Sec. 6-114. Keeping of vicious animals</td>
<td>not less than $500.00</td>
</tr>
<tr>
<td>All other offenses in this chapter not specifically declared with fine amount shall be:</td>
<td>not less than $100.00</td>
</tr>
</tbody>
</table>

(e) Upon a finding by the court that there has been a violation of, or a disobeying, neglecting or refusing to comply with, or resisting enforcement of any sections of this chapter, such court shall:

1. Impose a fine as declared in this Code for each offense; and/or
2. Order to have the animal in violation impounded; and/or
3. Order the animal in question to be humanely dispatched.

(f) Additionally, any person found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses, and other expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the humane dispatch of any such dog pursuant to the Humane Euthanasia in Animal Shelters Act.

(g) Any person found guilty of violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of this chapter shall be deemed guilty of a separate offense for each and every day during which said violation continues.

(h) The penalties provided for in this section shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this chapter or Code.

(i) Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.
If any subsection, sentence, clause or phrase of this chapter is, for any reason, found to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 13-30, § 2, 8-5-13)

Chapter 7 BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 7-1. Fire limits.
Sec. 7-2. Compliance with chapter.
Sec. 7-3. Building inspector.
Sec. 7-4. General duties of building inspector.
Sec. 7-5. Discretionary power of building inspector limited.
Sec. 7-6. Right of entry of building inspector.
Sec. 7-7. Records and reports of building inspector.
Sec. 7-8. Reserved.
Secs. 7-9—7-30. Reserved.

Sec. 7-1. Fire limits.

All that part of the city described and known as the original town, and blocks 7, 8, 23, 24, 39 and 40 in the eastern addition to the city, according to Plat No. 2, and blocks 43, 50, 51, 58, 59 and 66, as originally platted in the western addition to the city, shall be known as and constitute the fire limits of the city.

(Code 1972, § 7-1)

Sec. 7-2. Compliance with chapter.

It shall be unlawful to build, construct, remodel, repair, alter, remove or demolish any building or structure in the city without complying with the regulations contained in this chapter.

(Code 1972, § 7-2)

Sec. 7-3. Building inspector.

The building inspector shall be a city employee in the building and zoning office. The building inspector shall report to the community development coordinator.
Sec. 7-4. General duties of building inspector.

It shall be the duty of the building inspector to administer and enforce the provisions of the building code, the heating code, the mechanical code and the electrical code of the city. He shall receive applications for and issue permits and certificates in accordance with the provisions of each of those codes and see to the enforcement of the regulations established by those codes and all final orders of the building commission and the courts in cases arising under those codes.

Sec. 7-5. Discretionary power of building inspector limited.

Whenever any provision of this chapter provides that anything must be done to the approval of or subject to the direction of the building inspector, this shall be construed to give the building inspector only the power to determine whether the rules and regulations established by this chapter have been complied with, and shall not be construed as giving him discretionary power.

Sec. 7-6. Right of entry of building inspector.

Upon proper identification, the building inspector shall have the authority to enter any building, structure or premises at any time during daylight hours, or at such other times as may be necessary in an emergency resulting from or arising out of any cause that endangers or tends to endanger the public health or safety, for the purpose of performing his duties under the codes enumerated in section 7-4 or for the purpose of enforcing the provisions of such codes. He shall make a reasonable effort to do this at a time convenient to the owner or occupant of such building, structure or premises.

Sec. 7-7. Records and reports of building inspector.

The building and zoning office shall keep records of all permits issued, inspections made and certificates issued, and of all fees and moneys received. The office shall monthly turn over to the city clerk all money received, together with a statement showing the source of the money. As soon as possible after the close of each fiscal year, a report shall be made to the city council showing the number of permits issued and inspections made and the amount of fees collected by the office under the building, heating, plumbing and electrical codes of the city, together with recommendations as to any needed changes in such codes.
Sec. 7-8. Reserved.

Editor's note—

Ordinance No. 2895, § 1, passed November 18, 2002, repealed § 7-8 in its entirety. Formerly, such section pertained to building inspector to act as zoning enforcement officer and derived from § 7-8 of the 1972 Code.

Zoning enforcement officer, app. B, art. XII, § 1.

Secs. 7-9—7-30. Reserved.

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 7-31. Reserved.

Sec. 7-32. Adoption of International Building Code.

Sec. 7-33. Additions, insertions, deletions and changes.

Sec. 7-34. Reserved.

Sec. 7-35. Barricades and warning lights.

Sec. 7-36. Night construction operations.

Sec. 7-37. Prebuilt residential structures.

Secs. 7-38—7-50. Reserved.

Sec. 7-31. Reserved.

Editor's note—

Ord. No. 2603, § 58(b), adopted Jan. 3, 1994, repealed former § 7-31, which pertained to compliance with building regulations required prior to annexation.

Sec. 7-32. Adoption of International Building Code.

(a) A certain document, three copies of which are on file in the Office of the City Clerk of the City of Macomb, Illinois, being marked and designated as "The International Building Code, 2012", including Appendices F and G, as published by the International Code Council, Inc., be and is hereby adopted as the building code of the City of Macomb in the State of Illinois; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and
changes, if any, prescribed in section 7-33 of this article.

(b) Nothing in this article or in the International Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 7-33 of this article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. No. 2820, §§ 1, 3, 3-5-01; Ord. No. 06-50, § 2, 11-7-06; Ord. No. 12-15, § 2, 4-2-12)

Editor's note—

Ord. No. 2820, §§ 1, 3, adopted March 5, 2001, did not specifically amend this Code but was treated as amending § 7-32 at the discretion of the editor to read as herein set out. See the Code Comparative Table.

Sec. 7-33. Additions, insertions, deletions and changes.

Section 101.1. Title. Insert the "City of Macomb, Illinois" after the words "Building Code of".

Section 101.4.1. Gas. Delete all references to the International Fuel Gas Code.

Section 101.4.3. Plumbing: Delete all references to the international Plumbing Code and insert the 2004 Illinois State Plumbing Code, as Amended in its place.

Section 103. Department of Building Safety: Delete this section in its entirety.

Section 104.1. General: Delete the first sentence of the paragraph and replace with the following: "The Community Development Coordinator, or his designee, hereinafter known as the Building Official, is hereby authorized and directed to enforce the provisions of this code".

Section 105. Permits: Delete this section in its entirety and insert the following: "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure shall first satisfy all the permit requirements prescribed in Chapter 7, Article 2 of the Macomb Municipal Code".

Section 109. Fees: Delete this section in its entirety and insert the following: "A permit shall not be valid until all fees as prescribed in Chapter 7, Article 2 of the Macomb Municipal Code have been paid".

Section 113. Board of Appeals: Delete this section in its entirety and insert the following:

"The Building Commission of Appeals as prescribed in Chapter 7, Article 7 of the Macomb Municipal Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code".

Section 114.4. Violation Penalties: Delete this section in its entirety and insert the following: "Any person who violates a provision of this code or fails to comply with any of
the requirements thereof or who erects, constructs, alters or repairs a building or structure in
violation of the approved construction documents or directive of the building official, or of a
permit or certificate issued under the provisions of this code, shall be subject to penalties as
prescribed in Chapter 1, Section 8 of the Macomb Municipal code”.

Section [F] 903.2.8. Group R.  Delete this section in its entirety.

Section 1612.3. Establishment of Flood Hazard Areas:  Delete this section in its
entirety and insert the following: “Flood Hazard Areas in the City of Macomb, Illinois shall be
those as established in Ordinance No. 2816, An Ordinance to Amend Chapter 7, Article II,
Building Code, Division 3-Permits of the Municipal Code of Macomb, Illinois to Regulate
Development in Flood Plain Areas”.

Chapter 27.  Electrical. Delete this chapter in its entirety.

Chapter 28.  Mechanical Systems. Delete this chapter in its entirety.

Chapter 29.  Plumbing Systems. Delete this chapter in its entirety.

Chapter 30.  Elevators And Conveying Systems. Delete this chapter in its
entirety.

Chapter 32.  Encroachments Into The Public Right-Of-Way. Delete this chapter
in its entirety.

Appendix A. Employee Qualifications:  Delete in its entirety.

Appendix B. Board of Appeals:  Delete in its entirety.


Appendix D. Fire Districts:  Delete in its entirety.

Appendix E. Supplementary Accessibility Requirements:  Delete in its entirety.

Appendix G, Section 102.2. Flood Resistant Construction Establishment of Flood

(Ord. No. 2820, § 2, 3-5-01; Ord. No. 06-50, § 2, 11-7-06; Ord. No. 12-15, § 2, 4-2-12)

Editor’s note—

Ord. No. 2820, § 2, adopted March 5, 2001, did not specifically amend this Code
but was treated as amending § 7-33 at the discretion of the editor to read as
herein set out. See the Code Comparative Table.

Sec. 7-34. Reserved.

Editor’s note—

Ord. No. 2820, § 3, adopted March 5, 2001, did not specifically amend this Code
but was treated as repealing § 7-34 at the discretion of the editor to read as herein
set out. Formerly said section pertained to amendment to the formerly adopted
building code. See the Code Comparative Table.
Sec. 7-35. Barricades and warning lights.

(a) It shall be the duty of the person or corporation doing any construction whenever there is danger from falling articles or materials to do the construction with proper care for the safety of persons and property. Warnings, barricades and lights shall be maintained whenever necessary for the protection of pedestrians and vehicular traffic, and temporary roofs over sidewalks shall be constructed whenever there is danger from falling articles or materials.

(b) The owners of all barricades being used in the city shall have their names stenciled on the barricades, the names to be stenciled on the barricades by July 1, 1978.

(Code 1972, § 7-23)

Sec. 7-36. Night construction operations.

No construction or alteration of a building or structure shall be carried on between the hours of 8:00 p.m. of one day and 7:00 a.m. of the next succeeding day if the construction or alteration is accompanied by or causes loud noise.

(Code 1972, § 7-24)

Sec. 7-37. Prebuilt residential structures.

All prebuilt residential structures, except in an RT(1) district, must meet all requirements of the building code and also have a permanent full-perimeter foundation.

(Code 1972, § 7-25)

Secs. 7-38—7-50. Reserved.

DIVISION 2. REGISTRATION OF BUILDING CONTRACTORS [2][26]

Sec. 7-51. Required; fee.

Sec. 7-52. Term.

Sec. 7-53. Liability insurance.

Sec. 7-54. Revocation.

Secs. 7-55—7-70. Reserved.

Sec. 7-51. Required; fee.

Any person desiring to engage in the business of building, constructing, remodeling, repairing, altering, removing or demolishing any building or structure in the city
shall first register his name, his residence and his place of business with the building inspector and pay a registration fee of $25.00.

(Code 1972, § 7-30; Ord. No. 06-50, § 2, 11-7-06)

Sec. 7-52. Term.

The registration required by this division shall be valid for a period of one year unless sooner revoked as provided in this division.

(Code 1972, § 7-31)

Sec. 7-53. Liability insurance.

No person shall be allowed to register under the terms of this division unless he shall deposit with the building inspector evidence of contractor's liability insurance issued to him for the full period of registration, such insurance to be in the amount of $50,000.00 for property damage, $100,000.00 for personal injury to one person, and $300,000.00 for personal injury to more than one person, or, in lieu thereof, bodily injury and property damage combined, $300,000.00 each occurrence, $300,000.00 aggregate.

(Code 1972, § 7-32)

Sec. 7-54. Revocation.

Any person violating the provisions of this article may have his certificate of registration revoked for not more than one year. Such action may be taken by the building commission, upon recommendation by the building inspector and after a hearing thereon.

(Code 1972, § 7-33)

Secs. 7-55—7-70. Reserved.

DIVISION 3. PERMITS [3][27]

Sec. 7-71. Definitions.

Sec. 7-72. Permit requirements.

Sec. 7-73. Permit application.

Sec. 7-74. Community development coordinator.

Sec. 7-75. Review of proposed development.

Sec. 7-76. Review of permit application.

Sec. 7-77. Variances.

Sec. 7-78. Review of subdivision proposals.

Sec. 7-79. Water supply systems.

Sec. 7-80. Sanitary sewage and waste disposal systems.
Sec. 7-81. Annexation and extraterritorial jurisdiction.

Sec. 7-82. Abrogation and greater restriction.

Secs. 7-83—7-90. Reserved.

Sec. 7-71. Definitions.

Unless specifically defined below, word or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

Development means any manmade change to real estate including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface water from any source.

Floodplain means any land area susceptible to being inundated by water from any source (see "flood").

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

New construction for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Person means and includes any individuals, corporations, partnership, association, or any other entity, including state and local governments and agencies.

Special flood hazard area means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed rate making has been completed in preparation for publication of the flood insurance map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".
Structure means for floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes recreational vehicles and travel trailers on site for more than 180 days.

Substantial improvements means any repair, reconstructions, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

(Ord. No. 2812, § 2, 10-16-00; Ord. No. 2816, § 2, 12-4-00)

Sec. 7-72. Permit requirements.

No person, firm, corporation, or governmental body not exempted by state law shall commence any development activity without first obtaining a development permit from the community development coordinator.

No persons shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure from the community development coordinator.

No manmade change to improve or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the community development coordinator for each change.

No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each manufactured home from the community development coordinator.

(Ord. No. 2812, § 3, 10-16-00; Ord. No. 2816, § 3, 12-4-00)

Sec. 7-73. Permit application.

To obtain a permit, the applicant must first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the community development coordinator. Building permit fees shall be as designated in the city fee schedule.

(Ord. No. 2812, § 4, 10-16-00; Ord. No. 2816, § 4, 12-4-00; Ord. No. 07-49, § 2, 12-18-07)

Sec. 7-74. Community development coordinator.

The community development coordinator shall be responsible for the general
administration of this article and ensure that all development activities under the jurisdiction of
the city meet the requirements of this article. The community development coordinator shall be
responsible for receiving applications and examining the plans and specifications for the
proposed construction or development. After reviewing the application, the community
development coordinator shall require any additional measures which are necessary to meet
the minimum requirements of this article.

(Ord. No. 2812, § 5, 10-16-00; Ord. No. 2816, § 5, 12-4-00)

Sec. 7-75. Review of proposed development.

(a) The community development coordinator shall review
proposed development to assure that all necessary permits have been received
from those governmental agencies from which approval is required by federal or
state law, including Section 404 of the Federal Water Pollution Control Act

(b) If the development is proposed for a channel or
adjacent area of a stream draining one square mile or more, the applicant must
first secure a permit from the Illinois Division of Water Resources, or a letter
stating "Permit Not Required."

(Ord. No. 2812, § 6, 10-16-00; Ord. No. 2816, § 6, 12-4-00)

Sec. 7-76. Review of permit application.

The community development coordinator shall review all permit applications to
determine whether proposed building sites will be reasonably safe from flooding. If a proposed
building site is in a floodprone area, all new construction and substantial improvements
(including the placement of prefabricated buildings and mobile homes) shall:

(1) Be designed (or modified) and adequately
anchored to prevent flotation, collapse, or lateral movement of the structure,

(2) Be constructed with materials resistant to flood
damage,

(3) Be constructed by methods and practices that
minimize flood damage,

(4) Be constructed with electrical, heating,
ventilation, plumbing and air conditioning equipment and other service facilities
that are designed and/or located so as to prevent water from entering or
accumulating within the components during flooding.

(Ord. No. 2812, § 7, 10-16-00; Ord. No. 2816, § 7, 12-4-00)

Sec. 7-77. Variances.

The community development coordinator shall review any requests for waivers
from the terms and conditions of this article. The community development coordinator is
authorized and directed to issue such variance in writing.
Variances shall only be issued upon meeting the following standards:

(1) A showing of good and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Variances shall only by issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(Ord. No. 2812, § 8, 10-16-00; Ord. No. 2816, § 8, 12-4-00)

Sec. 7-78. Review of subdivision proposals.

The community development coordinator shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a floodprone area, any such proposals shall be reviewed to assure that:

(1) All such proposals are consistent with the need to minimize flood damage within the floodprone area,

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(3) Adequate drainage is provided to reduce exposure of flood hazards.

(Ord. No. 2812, § 9, 10-16-00; Ord. No. 2816, § 9, 12-4-00)

Sec. 7-79. Water supply systems.

The community development coordinator shall require within floodprone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

(Ord. No. 2812, § 10, 10-16-00; Ord. No. 2816, § 10, 12-4-00)

Sec. 7-80. Sanitary sewage and waste disposal systems.

The community development coordinator shall require within floodprone areas:

(1) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and

(2) On-site waste disposal systems to be located
to avoid impairment to them or contamination from them during flooding.

(Ord. No. 2812, § 11, 10-16-00; Ord. No. 2816, § 11, 12-4-00)

Sec. 7-81. Annexation and extraterritorial jurisdiction.

The city shall not approve any plat or development located in a special flood hazard area (SFHA) outside the corporate limits unless such plat or development is in accordance with following:

(1) A floodplain ordinance legally adopted by the city that meets the minimum federal (44 CFR 60.3), state and local requirements for development within a special flood hazard area.

(2) The SFHA’s of those parts of unincorporated McDonough County that are within the extraterritorial jurisdiction of the city or that may be annexed into the City of Macomb are generally identified as such on the flood hazard boundary map (FHBMM) dated January 2, 1981 prepared by the Federal Emergency Management Agency (FEMA).

(Ord. No. 2816, § 12, 12-4-00)

Sec. 7-82. Abrogation and greater restriction.

(a) This article is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction.

(b) Where this article and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 2816, § 13, 12-4-00)

Secs. 7-83—7-90. Reserved.

DIVISION 4. INSPECTIONS

Sec. 7-91. Required inspections.

Sec. 7-92. Exemption.

Sec. 7-93. Notification of building inspector when building ready for inspection.

Sec. 7-94. Fee for additional inspections.

Secs. 7-95—7-110. Reserved.

Sec. 7-91. Required inspections.

(a) At least four inspections shall be made by the building inspector on all new construction as follows:
The footing and excavation inspection shall be made when and after the trenches are excavated and the forms are erected and when all materials for the foundation are delivered to the job site, except when a ready-mix concrete is used.

The plate inspection shall be made when the plate is ready to be installed on the completed foundation and the termite protection is completed.

The frame inspection shall be made after all framing, fire blocking and bracing are in place and when the structure is completely boxed in with chimneys and vents in place.

The final inspection shall be made after the building is completed and ready for occupancy.

As to any building or part thereof which is delivered on the site with fixtures, wiring and other items covered or enclosed so as to prevent the necessary inspection thereof, the building inspector may in his discretion require that he be furnished with plans and specifications thereof and also with a certificate from the factory or builder that the structure meets the requirements of this chapter.

Sec. 7-92. Exemption.

No inspection shall be required for the construction, alteration or remodeling of a building or structure where the reasonable value of all labor and materials used in the construction, alteration or remodeling does not exceed $1,000.00.

Sec. 7-93. Notification of building inspector when building ready for inspection.

It shall be the responsibility of the builder or contractor to notify the building inspector that the building or structure is ready for inspection.

Sec. 7-94. Fee for additional inspections.

No fee shall be required for the making of the four inspections set forth in section 7-91, but for each additional inspection made necessary by the fault of the builder a fee of $5.00 shall be paid to the building inspector by the person who obtained the permit for the work.

Secs. 7-95—7-110. Reserved.
ARTICLE III.  ELECTRICAL CODE [4](28)

DIVISION 1.  GENERALLY

Sec. 7-111.  National Electrical Code—Adopted.

Sec. 7-112.  Addition, insertions, deletions and changes.

Sec. 7-113.  Compliance with article.

Sec. 7-114.  Reserved.

Sec. 7-115.  Electrical inspection department.

Secs. 7-116—7-130.  Reserved.

Sec. 7-111.  National Electrical Code—Adopted.

There is hereby adopted by reference that certain electrical code known as the NFPA 70 National Electrical Code, current edition, including annexes, as adopted and published by the National Fire Protection Association, of which code not less than three copies are filed in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this section.

(Code 1972, § 7-61; Ord. No. 2446, § 1, 12-3-90; Ord. No. 2908, § 1, 3-3-03; Ord. No. 06-55, § 2, 11-7-06; Ord. No. 12-20, § 2, 4-2-12; Ord. No. 14-12, § 2, 3-3-14)

Sec. 7-112.  Addition, insertions, deletions and changes.

(a) The electrical code adopted in section 7-111 is amended by deleting the term "aluminum conductor wire" wherever it exists in the code, except where listed as service entrance conductors. Copper conductor wiring is required in all structures for all electrical conductors exiting the panel board.

(b) No person shall use the municipal water supply lines or service lines connected thereto for any form of electrical grounding.

(c) Section 80.13(13) Insert "5" in the underlined blank before "days."

(d) Section 80.15 Electrical Board is deleted.

(e) Section 80.17 Records and Reports is deleted.

(f) Section 80.19 Permits and Approvals is deleted.

(g) Section 80.23(B)(3) insert "twenty-five" in the underlined blank before "dollars" and insert "(25)" in the underlined blank in parenthesis right after it. Insert "seven hundred and fifty" in the underlined blank after "or more than" and insert "($750)" in the underlined parenthesis right after
it. Delete the following ", imprisonment, or both, for not less than

( ) days or more than ( ) days or more than

( ) days".

(h) Section 80.25(c) insert "5 business" in the underlined blank.

(i) Section 80.27(A) insert "Macomb" in the underlined blank.

(j) Section 80.27(B)(3) insert "Illinois" in the underlined blank.

(k) Section 80.27(B)(4) delete this subsection.

(l) Section 80.29 insert "City of Macomb" in the underlined blank.

(m) Section 80.35 Effective Date is deleted.

(Code 1972, § 7-61.1; Ord. No. 2446, § 1, 12-3-90; Ord. No. 2908, § 1, 3-3-03)

Sec. 7-113. Compliance with article.

It shall be unlawful to install any electrical equipment or alter or extend an electric wiring system in any building or structure in the city without complying with the provisions of this article.

(Code 1972, § 7-62)

Sec. 7-114. Reserved.

Editor's note—

Ord. No. 2908, § 1, adopted March 3, 2003, deleted § 7-114. Formerly, such section pertained to electrical equipment defined and derived from § 7-63 of the 1972 Code.

Sec. 7-115. Electrical inspection department.

The position of electrical inspector shall be established to enforce the provisions of the National Electrical Code as adopted in the City of Macomb.

(Code 1972, § 7-64; Ord. No. 2908, § 1, 3-3-03; Ord. No. 12-20, § 2, 4-2-12)

Administration, ch. 2.


Secs. 7-116—7-130. Reserved.
DIVISION 2. REGISTRATION OF ELECTRICAL CONTRACTORS [5](29)

Sec. 7-131. Required; fee.

Any person desiring to engage in the business of installing electrical equipment or altering or extending an electric wiring system in any building or structure in the city shall first register his name, his residence and his place of business with the building inspector and pay a registration fee of $25.00. An electrical contractor who is registered in another municipality in this state shall not be required to pay a registration fee.

(Code 1972, § 7-69; Ord. No. 06-55, § 2, 11-7-06)

Sec. 7-132. Term.

The registration required by this division shall be valid for a period of one year unless sooner revoked as provided in this division.

(Code 1972, § 7-70)

Sec. 7-133. Liability insurance.

No person shall be allowed to register under the terms of this division unless he shall deposit with the building inspector evidence of liability insurance issued to him for the full period of registration, such insurance to be in the amount of $50,000.00 for property damage, $100,000.00 for personal injury to one person and $300,000.00 for personal injury to more than one person, or, in lieu thereof, bodily injury and property damage combined, $300,000.00 each occurrence, $300,000.00 aggregate.

(Code 1972, § 7-71)

Sec. 7-134. Revocation.

Any person violating the provisions of this article may have his certificate of registration revoked for not more than one year. Such action may be taken by the electrical commission, upon recommendation by the building inspector and after a hearing thereon.

(Code 1972, § 7-72; Ord. No. 2603, § 2, 1-3-94)

Secs. 7-135—7-150. Reserved.
DIVISION 3. PERMITS

Sec. 7-151. Required.

Sec. 7-152. Eligibility.

Sec. 7-153. Fee.

Secs. 7-154—7-170. Reserved.

Sec. 7-151. Required.

It shall be unlawful for any person to install any electrical equipment or alter or extend the electric wiring system in any building or structure in the city without first obtaining a permit therefor from the building inspector.

(Code 1972, § 7-78)

Sec. 7-152. Eligibility.

The permit required by this division shall be issued only to the following persons:

(1) To an electrical contractor registered in accordance with this article.

(2) To any person to do any work regulated by this article in or on a single-family dwelling used exclusively for living purposes, including the usual accessory buildings in connection with such dwelling, if the person is the bona fide owner or occupant of such dwelling and shall personally purchase all materials and perform all labor in connection therewith, the materials and workmanship to meet the requirements of this article.

(3) To any person to do any building, wiring or heating in or on a business building, including the usual accessory buildings in connection with such business building, provided the person is the bona fide owner or occupant of such business building and shall personally purchase all materials and perform all labor in connection therewith, the materials and workmanship to meet the requirements of this article. In addition, the bona fide owner or occupant of the business building shall deposit with the building inspector evidence of liability insurance, to be in the amount of $50,000.00 for property damage, $100,000.00 for personal injury to one person and $300,000.00 for personal injury to more than one person, or, in lieu thereof, bodily injury and property damage combined, $300,000.00 each occurrence, $300,000.00 aggregate.

(Code 1972, § 7-79)

Sec. 7-153. Fee.
The fees for a permit required by this division shall be as established from time to time by the city council. Where work for which a permit is required by this article is started or proceeded with prior to obtaining a permit, the fees shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed in this chapter.

(Code 1972, § 7-80)

Secs. 7-154—7-170. Reserved.

DIVISION 4. INSPECTIONS

Sec. 7-171. Building inspector to be electrical inspector.

Sec. 7-172. Required inspections.

Sec. 7-173. Certificate of inspection.

Sec. 7-174. Electrical current not to be used prior to issuance of certificate of inspection.

Sec. 7-175. Electrical current not to be supplied prior to issuance of certificate of inspection.

Sec. 7-176. Temporary permission to furnish or use electric current.

Sec. 7-177. Fee for reinspections.

Secs. 7-178—7-190. Reserved.

Sec. 7-171. Building inspector to be electrical inspector.

The building inspector of the city shall act as electrical inspector of the city.

(Code 1972, § 7-86)

Sec. 7-172. Required inspections.

Every electrical installation coming within the terms of this article shall be inspected as follows:

(1) When the wiring, connections and installations have been installed in the rough.

(2) When the fixtures are installed, all connections have been made and the work has been completed.

(Code 1972, § 7-87)

Sec. 7-173. Certificate of inspection.

When any electrical wiring covered by a permit shall be found upon inspection to conform with the provisions of this article, the building inspector shall issue a certificate of inspection certifying that such wiring and installations have been inspected and found to
comply with the terms of this article.

(Code 1972, § 7-88)

Sec. 7-174. Electrical current not to be used prior to issuance of certificate of inspection.

No person shall use any electrical current in or through any wiring hereafter installed or on any building or structure until the wiring shall have been inspected and approved and the certificate of inspection provided for in this division shall have been issued therefor.

(Code 1972, § 7-89)

Sec. 7-175. Electrical current not to be supplied prior to issuance of certificate of inspection.

No person furnishing electrical current for light, heat or power purposes shall connect his distribution system with any installation or wiring that is in or on any building without first having received a written permit from the building inspector. Such permit shall be given upon demand at any time after the certificate of inspection provided for in this division has been issued.

(Code 1972, § 7-90)

Sec. 7-176. Temporary permission to furnish or use electric current.

The building inspector may, before a certificate of inspection provided for in this division is issued, give temporary permission to furnish for use electric current to any wiring for a period of not to exceed 30 days if, in his opinion, such wiring is in such condition that current may safely be used therein, and there exists an urgent necessity for such, and the building inspector may renew such permit at the end of 30 days providing there exists an urgent necessity for such renewal.

(Code 1972, § 7-91)

Sec. 7-177. Fee for reinspections.

For reinspections made necessary by faulty or defective electrical work, a fee of $5.00 shall be charged and collected for each additional inspection necessary to correct such faulty or defective work.

(Code 1972, § 7-92)

Secs. 7-178—7-190. Reserved.

DIVISION 5. ELECTRICAL COMMISSION [6][30]

Sec. 7-191. Created; composition.

Sec. 7-192. Qualifications, appointment and terms of members.
Sec. 7-191. Created; composition.
(a) There is hereby created a commission to be known as the electrical commission, which commission shall consist of six members as follows:

(1) The building inspector, who shall be the ex officio chairman.
(2) A registered professional engineer.
(3) An electrical contractor.
(4) A journeyman electrician.
(5) A representative of an inspection bureau maintained by the fire underwriters or the chief of the fire department.
(6) A representative of an electricity supply company.

(b) If there is no person residing in the city who is qualified under any of the descriptions set out in subsection (a) of this section, the mayor may appoint some other person to fill that position.

(Code 1972, § 7-98)

Sec. 7-192. Qualifications, appointment and terms of members.

All members of the electrical commission shall be residents of the city and shall be appointed by the mayor with the advice and consent of the city council for a term of three years, except that the term for representative of an electrical supply company shall be one year and shall alternate between the two electrical supply companies presently serving the city.

(Code 1972, § 7-99)

Sec. 7-193. Recommendations as to electrical standards, permits and permit fees.
(a) The electrical commission shall recommend:

(1) Safe and practical standards and
specifications for the installation, alteration and use of electrical equipment designed to meet the necessities and conditions of the city;

(2) Reasonable rules and regulations governing the issuance of permits by the electrical department; and

(3) Reasonable fees to be paid for inspections by the electrical department of all electrical equipment installed or altered within the city.

(b) The standards, specifications, rules, regulations and fees recommended by the electrical commission shall not become effective until adopted by an ordinance by the city council.

(c) All fees adopted pursuant to subsection (b) of this section shall be paid into the city treasury.

(Code 1972, § 7-100)


Sec. 7-194. Recommendations as to amendments to article.

The electrical commission shall receive from the building inspector all proposed ordinances for the amendment of this article, and consider all such proposed ordinances, and submit to the city council a report and recommendation on each such proposed ordinance. The electrical commission may also on its own initiative petition the city council requesting an amendment to this article.

(Code 1972, § 7-101)

Sec. 7-195. Determination of appeals from orders of electrical inspector.

The electrical commission shall have jurisdiction to review all appeals from the orders of the building inspector acting in his capacity as electrical inspector. The electrical commission may reverse or sustain, in whole or in part, or may modify any such order. Appeals to the electrical commission shall be governed by the rules applicable to appeals to the building commission.

(Code 1972, § 7-102)

Secs. 7-196—7-210. Reserved.

ARTICLE IV. HEATING CODE

DIVISION 1. GENERALLY

Sec. 7-211. Compliance with article.

Secs. 7-212—7-230. Reserved.
Sec. 7-211. Compliance with article.

It shall be unlawful to install any gas, oil or liquefied petroleum gas burning space heaters, boilers, furnaces or similar equipment, including conversion burners, within the city, without first meeting the requirements of this article.

(Code 1972, § 7-113)

Secs. 7-212—7-230. Reserved.

DIVISION 2. REGISTRATION OF HEATING CONTRACTORS

Sec. 7-231. Required; fee.

Any person desiring to engage in the business of installing heating equipment shall first register his name, his residence and his place of business with the building inspector and pay a registration fee of $20.00.

(Code 1972, § 7-119)

Sec. 7-232. Term.

The registration required by this division shall be valid for a period of one year unless sooner revoked as provided in this division.

(Code 1972, § 7-120)

Sec. 7-233. Liability insurance.

No person shall be allowed to register under the terms of this division unless he shall deposit with the building inspector evidence of liability insurance issued to him for the full period of registration, such insurance to be in the amount of $50,000.00 for property damage, $100,000.00 for personal injury to one person and $300,000.00 for personal injury to more than one person, or, in lieu thereof, bodily injury and property damage combined, $300,000.00 each occurrence, $300,000.00 aggregate.

(Code 1972, § 7-121)

Sec. 7-234. Revocation.
Any person violating the provisions of this article may have his certificate of registration revoked for not more than one year. Such action may be taken by the building commission, upon recommendation by the building inspector and after a hearing thereon.

(Code 1972, § 7-122)

Sects. 7-235—7-250. Reserved.

DIVISION 3. PERMITS

Sec. 7-251. Required; exception.

Sec. 7-252. Eligibility.

Sec. 7-253. Fees.

Secs. 7-254—7-270. Reserved.

Sec. 7-251. Required; exception.

(a) Before any heating equipment is installed, a permit shall be obtained from the building inspector.

(b) No permit shall be required for repairs on existing equipment when the reasonable value of all labor and materials used in making the repairs does not exceed $100.00. Repairs shall include resetting of the furnace and a new flue pipe or flue cap.

(Code 1972, § 7-128)

Sec. 7-252. Eligibility.

The permit required by this division shall be issued only to the following persons:

(1) To a heating contractor registered in accordance with this article.

(2) To any person to do any work regulated by this article in or on a single-family dwelling used exclusively for living purposes, including the usual accessory buildings in connection with such dwelling, provided the person is the bona fide owner or occupant of such dwelling and shall personally purchase all materials and perform all labor in connection therewith, the materials and workmanship to meet the requirements of this article.

(3) To any person to do any building, wiring or heating in or on a business building, including the usual accessory buildings in connection with such business building; provided, the person is the bona fide owner or occupant of such business building and shall personally purchase all
materials and perform all labor in connection therewith, the materials and workmanship to meet the requirements of this article. In addition, the bona fide owner or occupant of the business building shall deposit with the building inspector evidence of liability insurance to be in the amount of $50,000.00 for property damage, $100,000.00 for personal injury to one person and $300,000.00 for personal injury to more than one person, or, in lieu thereof, bodily injury and property damage combined, $300,000.00 each occurrence, $300,000.00 aggregate.

(Code 1972, § 7-129; Ord. No. 2603, § 3, 1-3-94)

Sec. 7-253. Fees.

The fees for a permit required by this division shall be as established from time to time by the city council. Where work for which a permit is required by this article is started or proceeded with prior to obtaining a permit, the fees shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed in this chapter.

(Code 1972, § 7-130)

Secs. 7-254—7-270. Reserved.

DIVISION 4. INSPECTIONS

Sec. 7-271. Inspection required.

Any work done under the terms of this article requiring a permit shall also require an inspection by the building inspector.

(Code 1972, § 7-136)

Sec. 7-272. Notification to building inspector when work is ready for inspection.

Notice shall be given by the installer when the work required by this division to be inspected is ready for inspection.

(Code 1972, § 7-137)

Sec. 7-273. Correction of defects.

Any installation not passing the inspection required by this division shall be
corrected promptly by the installer.

(Code 1972, § 7-138)

Secs. 7-274—7-290. Reserved.

ARTICLE V. PLUMBING CODE [8][32]

Sec. 7-291. Compliance with article.

Sec. 7-292. Adoption of state plumbing code.

Sec. 7-293. Administration and enforcement.

Sec. 7-294. State license required; liability insurance.

Sec. 7-295. Permit required.

Sec. 7-296. Permit fees.

Sec. 7-297. Inspections.

Secs. 7-298—7-320. Reserved.

Sec. 7-291. Compliance with article.

It shall be unlawful to install, alter or change any plumbing, drains or sewers in or about any house or premises in the city without complying with the regulations contained in this article.

(Code 1972, § 7-166)

Sec. 7-292. Adoption of state plumbing code.

There is hereby adopted by reference, as criteria for the issuance of construction, reconstruction, alteration or installation permits, the provisions of that certain plumbing code known as the Illinois State Plumbing Code, as amended, issued and published by the division of sanitary engineering of the department of public health of the state, of which code not less than three copies are filed in the office of the city clerk, and such code is hereby adopted and incorporated as fully as if set out at length in this section.

(Code 1972, § 7-167; Ord. No. 2603, § 4, 1-3-94)

Sec. 7-293. Administration and enforcement.

This article shall be administered and enforced by the building inspector of the city.

(Code 1972, § 7-168)

Sec. 7-294. State license required; liability insurance.
No person shall engage in the business of plumbing in the city unless he is a plumber licensed under the provisions of the Illinois Plumbing License Law and unless he shall deposit with the building inspector proof of the license and evidence of liability insurance issued to him for the full period of registration, such insurance to be in the amount of $50,000.00 for property damage, $100,000.00 for personal injury to one person and $300,000.00 for personal injury to more than one person, or, in lieu thereof, bodily injury and property damage combined, $300,000.00 each occurrence, $300,000.00 aggregate.

(Code 1972, § 7-169)

Sec. 7-295. Permit required.

No plumbing shall be installed, altered or changed in any building or structure until a permit for the plumbing shall have been obtained from the building and zoning office. Applications for permits shall be in accordance with the plumbing code adopted by this article and shall be accompanied by the required fee. After a permit has been issued, no change in the plans or specifications shall be made unless such change has first been submitted to and approved by the building inspector or his designate. No one shall make a sewer or water connection to a public sewer and water system without obtaining a plumbing number from the building and zoning office.

(Code 1972, § 7-170)

Sec. 7-296. Permit fees.

The fee for a permit required by this article shall be as established from time to time by the city council. Where work for which a permit is required by this article is started or proceeded with prior to obtaining a permit, the fees shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with the requirements of this article in the execution of the work or from any other penalties prescribed in this chapter.

(Code 1972, § 7-171)

Sec. 7-297. Inspections.

The building inspector shall be notified by the person doing the work when any plumbing work is begun and when it is ready for inspection. All work shall be left uncovered and convenient for examination until inspected and approved. The building inspector or his designate shall examine the work within one day of receipt of notice that the work is ready for inspection. All plumbing must be tested in accordance with chapter 14 of the plumbing code adopted by this article in the presence of the building inspector or his designate, and all defective materials and work replaced and corrected. Upon completion and final inspection of the work, a certificate of approval shall be issued.

(Code 1972, § 7-172)

Secs. 7-298—7-320. Reserved.
ARTICLE VI. MECHANICAL CODE

Sec. 7-321. Adoption of International Mechanical Code.

Sec. 7-322. Additions, insertions, deletions and changes.

Secs. 7-323—7-340. Reserved.

Sec. 7-321. Adoption of International Mechanical Code.

(a) A certain document, three copies of which are on file in the Office of the City Clerk of the City of Macomb, Illinois, being marked and designated as "The International Mechanical Code, 2012", including Appendix A, but not Appendix B, as published by the International Code Council, Inc., be and is hereby adopted as the Mechanical Code of the City of Macomb in the State of Illinois; for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, or use or maintenance of mechanical systems in the City of Macomb, Illinois and the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2012 Edition are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in section 7-322 of this article.

(b) Nothing in this article or in the International Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by section 7-322 of this article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

Sec. 7-322. Additions, insertions, deletions and changes.

Section 101.1. Title. Insert the "City of Macomb, Illinois" after the words "Mechanical Code of".

Section 103. Department of Mechanical Inspection: Delete this section in its entirety.

Section 104.1. General: Insert the following as the first sentence of the paragraph: "The Community Development Coordinator, or his designee, hereinafter referred to as the Code Official, shall enforce the provisions of this code."

Section 106. Permits: Delete this section in its entirety and insert the following: "An owner, authorized agent or contractor who desires to erect, install, enlarge, alter, repair,
remove convert or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work as prescribed in Chapter 7, Article 2, Sections 7-71 through 7-74 of the Macomb Municipal Code."

Section 108.4. Violation Penalties: Delete the words "[Specify Offense]" and insert the words "ordinance violation" after the words "shall be guilty of a", and delete the words "[Amount]" and insert the words "seven hundred fifty [dollars] ($750.00)" after the words "a fine of not more than", and delete the words "or by imprisonment not exceeding [Number of Days], or both such fine and imprisonment."

Section 108.5. Stop Work Orders: Delete the words "[Amount]" and insert the words "twenty five [dollars] ($25.00)" after the words "a fine of not less than", and delete the words "[Amount]" and insert the words "seven hundred fifty [dollars] ($750.00)" after the words "or more than".

Section 109. Means of Appeal: Delete this section in its entirety and insert the following: "A person shall have the right to appeal the decision of the code official based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted by the code official, or the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. Appeals shall be made to the Building Commission of Appeals as prescribed in Chapter 7, Article 7 of the Macomb Municipal Code."

Appendix B. Recommended Permit Fee Schedule: Delete this Appendix in its entirety.

The following changes are made throughout the International Mechanical Code, 2012 Edition: Delete all references to the ICC Electrical Code and insert the 2011 NFPA 70 National Electric Code and delete all references to the International Plumbing Code and insert the most current Illinois State Plumbing Code, as amended.

(Ord. No. 2824, § 2, 3-5-01; Ord. No. 06-53, § 2, 11-7-06; Ord. No. 12-18, § 2, 4-2-12)

Secs. 7-323—7-340. Reserved.

ARTICLE VII. BUILDING COMMISSION [10](34)
Sec. 7-341. Established; appointment and qualifications of members; chairman.
Sec. 7-342. Composition.
Sec. 7-343. Term of office.
Sec. 7-344. Absence from meetings.
Sec. 7-345. Vacancies.
Sec. 7-346. Rules of procedure.
Sec. 7-347. Meetings.
Sec. 7-348. Quorum.
Sec. 7-341. Established; appointment and qualifications of members; chairman.

(a) There is hereby established in the city a board to be called the building commission, consisting of five members who are qualified by experience and training to pass upon the matters and perform the duties provided in this article. The members shall be appointed by the mayor by and with the advice and consent of the city council. The mayor shall designate one of the members to serve as chairman.

(b) The council hereby appoints the Mayor of the City of Macomb as a member of the Macomb Public Building Commission.

(Code 1972, § 7-177; Ord. No. 2948, § 2, 1-5-04)

Editor's note—

Ordinance No. 2948, § 2, adopted January 5, 2004, did not specifically amend the Code, therefore a new subsection (b) to § 7-341 was added at the discretion of the editor.

Mayor, § 2-31 et seq.

Sec. 7-342. Composition.

In making the appointments to the building commission, consideration may be
given to having on the commission a representative of the general building contractors, a representative of the plumbing contractors, a representative of the heating contractors and a representative of a public utility.

(Code 1972, § 7-178)

Sec. 7-343. Term of office.

In making the initial appointments, three members of the building commission shall be appointed for a term of one year and two members for a term of two years. Upon expiration of the term of office of a member of the building commission, his successor shall be appointed for a term of two years.

(Code 1972, § 7-179)

Sec. 7-344. Absence from meetings.

Continued absence of any member of the building commission from regular meetings of the board shall, at the discretion of the mayor, render any such member liable to immediate removal from office by the mayor.

(Code 1972, § 7-180)

Sec. 7-345. Vacancies.

Vacancies on the building commission shall be filled for an unexpired term in the manner in which original appointments are required to be made.

(Code 1972, § 7-181)

Sec. 7-346. Rules of procedure.

The building commission shall establish rules and regulations for its own procedure not inconsistent with the provisions of this article.

(Code 1972, § 7-182)

Sec. 7-347. Meetings.

Meetings of the building commission shall be held at the call of the chairman and at such other times as the board may determine. All meetings and hearings before the board shall be open to the public.

(Code 1972, § 7-183)

Sec. 7-348. Quorum.

Three members of the building commission shall constitute a quorum for the transaction of business.

(Code 1972, § 7-184)
Sec. 7-349. Required vote for variance or modification.

In varying the application of any provision of the building, plumbing or heating codes of the city or in modifying an order of the building inspector, affirmative votes of three members of the building commission shall be required.

(Code 1972, § 7-185)

Sec. 7-350. Conflict of interest.

No member of the building commission shall pass upon any question in which he or any corporation in which he is a shareholder is financially interested.

(Code 1972, § 7-186)

Sec. 7-351. Minutes and other records.

The building commission shall keep minutes of its proceedings showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact. It shall also keep records of its examinations and other official actions. Such minutes and such records shall be public records.

(Code 1972, § 7-187)

Sec. 7-352. Right of appeal.

Any person aggrieved or the head of any department of the city may take an appeal to the building commission from any decision of the building inspector, except in respect to application of the electrical code.

(Code 1972, § 7-188)

Sec. 7-353. Time in which appeal must be taken; filing of notice of appeal.

An appeal to the building commission may be taken within 20 days from the date of the decision appealed by filing with the building inspector and with the building commission a notice of appeal specifying the grounds thereof, except that, in the case of a building or structure which in the opinion of the building inspector is unsafe or dangerous, the building inspector may in his order limit the time for such appeal to a shorter period. The building inspector shall forthwith transmit to the building commission all papers upon which the action appealed from was taken.

(Code 1972, § 7-189)

Sec. 7-354. Appeal fee.

An appeal fee of $35.00 shall accompany each appeal under this article, which fee shall in no event be returned to the party appealing.

(Code 1972, § 7-190)
Sec. 7-355. Notice of hearing.

A notice of the time and place of the public hearing before the building commission shall be published in a newspaper of general circulation in the city at least ten days before the hearing.

(Code 1972, § 7-191)

Sec. 7-356. Decision on appeals generally.

The building commission, when appealed to under the terms of this article and after a public hearing, may vary the application of any provision of the building code, the plumbing code, the heating code or the mechanical code of the city to any particular case when in its opinion the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the codes or public interest, or when in its opinion the interpretation of the building inspector should be modified or reversed.

(Code 1972, § 7-192; Ord. No. 2603, § 6, 1-3-94)

Sec. 7-357. Decisions to be reached without delay.

The building commission shall, on all appeals brought before it, reach a decision without unreasonable or unnecessary delay.

(Code 1972, § 7-193)

Sec. 7-358. Contents of decisions.

A decision of the building commission to vary the application of any provision of the building code, the plumbing code, the heating code or the mechanical code of the city or to modify an order of the building inspector shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

(Code 1972, § 7-194; Ord. No. 2603, § 7, 1-3-94)

Sec. 7-359. Decisions to be in writing and to indicate vote.

Every decision of the building commission shall be in writing and shall indicate the vote upon the decision.

(Code 1972, § 7-195)

Sec. 7-360. Copy of decision to be given to building inspector and appellant.

Every decision of the building commission shall be promptly filed in the office of the building inspector and shall be open to public inspection. A certified copy of such decision shall be sent by mail or otherwise to the appellant.

(Code 1972, § 7-196; Ord. No. 2603, § 8, 1-3-94)
Sec. 7-361. Action by building inspector following appeal.

If a decision of the building commission reverses or modifies a refusal, order or disallowance of the building inspector or varies the application of any provision of the building code, the plumbing code, the heating code or the mechanical code of the city, the building inspector shall take action immediately in accordance with such decision.

(Code 1972, § 7-197; Ord. No. 2603, § 9, 1-3-94)

Sec. 7-362. Appeal from decision of commission.

A person aggrieved by a decision of the building commission, whether previously a party to the proceeding or not, or an officer or head of a department of the city, may, within 15 days after the filing of such decision in the office of the building inspector, apply to the appropriate court to correct errors of law in such decision.

(Code 1972, § 7-198)

Secs. 7-363—7-380. Reserved.

ARTICLE VIII. ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS [11][35]

Sec. 7-381. Adoption of residential code for one and two-family dwellings.

Sec. 7-382. Additions, insertions, deletions and changes.

Secs. 7-383—7-400. Reserved.

Sec. 7-381. Adoption of residential code for one and two-family dwellings.

(a) A certain document, three copies of which are on file in the Office of the City Clerk of the City of Macomb, Illinois, being marked and designated as "The International Residential Code for One- and Two-Family Dwellings, 2012", excluding all appendices, as published by the International Code Council, Inc., be and is hereby adopted as the One- and Two-Family Dwelling Residential Code of the City of Macomb in the State of Illinois; for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three stories in height in the city, and each and all of the regulations, provisions, conditions and terms of such International Residential Code for One and Two-Family Dwellings, 2012 Edition, are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 7-382 of this article.

(b) Nothing in this article or in the International Residential Code for One- and Two-Family Dwellings hereby adopted shall be construed to
affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 7-382 of this article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. No. 2821, §§ 1, 4, 3-5-01; Ord. No. 06-51, § 2, 11-7-06; Ord. No. 12-16, § 2, 4-2-12)

Sec. 7-382. Additions, insertions, deletions and changes.

Section R101.1. Title. Insert the "City of Macomb, Illinois" after the words "Residential Code for One- and Two-Family Dwellings of".

Section R103. Department of Building Safety: Delete this section in its entirety.

Section R104.1. General: Insert the following as the first sentence of the paragraph: "The Community Development Coordinator, or his designee, hereinafter known as the Building Official, is hereby authorized and directed to enforce the provisions of this code".

Section R104.10.1. Flood Hazard Areas: Delete this section in its entirety and insert the following: "The Building Official shall not grant modifications to any provisions related to areas prone to flooding, except as provided in the Macomb Flood Insurance Ordinance Number 2816, An Ordinance To Amend Chapter 7, Article Two of the Macomb Municipal Code".

Section R105. Permits: Delete this section in its entirety and insert the following: "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure covered by this ordinance shall first satisfy all the permit requirements prescribed in Chapter 7, Article 2 of the Macomb Municipal Code".

Section R107.3. Temporary Power: Delete all references to the ICC Electrical Code and insert in its place the 2011 NFPA 70 National Electric Code.

Section R108. Fees: Delete this section in its entirety and insert the following: "A permit shall not be valid until all fees as prescribed in Chapter 7, Article 2 of the Macomb Municipal Code have been paid".

Section R112. Board of Appeals: Delete this section in its entirety and insert the following: "The Building Commission of Appeals as prescribed in Chapter 7, Article 7 of the Macomb Municipal Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code".

Section R113.4. Violation Penalties: Delete this section in its entirety and insert the following: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 1, Section 8 of the Macomb Municipal Code".

Section R313. Automatic Fire Sprinkler Systems: Delete this section in its
entirety.

Section R903.4.1. Secondary (Emergency Overflow) Drains or Scuppers: Delete all references to the International Plumbing Code and insert in its place the 2004 Illinois State Plumbing Code, as amended.

Chapters 25 through 40. Plumbing and Electrical: Delete all of Chapters 25 through 40 in their entirety.

The following changes are made throughout the 2012 International Residential Code for One and Two-Family Dwellings: Delete all references to the ICC Electrical Code and insert the 2011 NFPA National Electric Code and delete all references to the International Plumbing Code and insert the 2004 Illinois State Plumbing Code, As Amended.

(Ord. No. 2821, § 2, 3-5-01; Ord. No. 06-51, § 2, 11-7-06; Ord. No. 12-16, § 2, 4-2-12)

Secs. 7-383—7-400. Reserved.

ARTICLE IX. PROPERTY MAINTENANCE CODE [12][36]

Sec. 7-401. Adoption of property maintenance code.

Sec. 7-402. Additions, insertions, deletions and changes.

Secs. 7-403—7-420. Reserved.

Sec. 7-401. Adoption of property maintenance code.

(a) A certain document, three copies of which are on file in the Office of the City Clerk of the City of Macomb, Illinois, being marked and designated as "The International Property Maintenance Code, 2012, including Appendix A", as published by the International Code Council, Inc., be and is hereby adopted as the property maintenance code of the City of Macomb in the State of Illinois; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 7-402 of this article.

(b) Nothing in this article or in the International Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 7-402 of this article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. No. 2822, §§ 1, 4, 3-5-01; Ord. No. 06-54, § 2, 11-7-06; Ord. No. 12-17, § 2, 4-2-12)
Sec. 7-402. Additions, insertions, deletions and changes.

Section 101.1. Title. Insert the "City of Macomb, Illinois" after the words "Property Maintenance Code of".

Section 102.3. Application of other codes. Delete all references to the ICC Electrical Code and insert the 2011 NFPA National Electric Code in its place; delete all references to the International Plumbing Code and insert the most current Illinois State Plumbing Code, as amended, in its place; and delete all references to the International Zoning Code and insert the Macomb Unified Development Ordinance No. 2750, as amended, in its place.

Section 103. Department of Property Maintenance Inspection: Delete this section in its entirety.

Section 104.1. General: Delete in its entirety and insert the following: "The Community Development Coordinator, or his designee, hereinafter known as the Building Official, is hereby authorized and directed to enforce the provisions of this code".

Section 107.5. Penalties: Delete in its entirety and insert the following: "Penalties for noncompliance with orders and notices shall be set forth in Chapter 13, Section 13-131 of the Macomb Municipal Code".

Section 108.1. Unsafe Structures and Equipment—General: Replace the words "shall be condemned pursuant to the provisions of this code" after the words "When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or found unlawful, such structure" with the words "shall be so classified and order demolished or repaired or violations corrected as provide by the Illinois Municipal Code".

Section 110.1. Demolition—General: Delete in its entirety and insert the following: "If in code official's judgement, the structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that such structure cannot reasonably be repaired, he may request the city attorney to seek demolition of the structure or to take other appropriate legal action."

Section 110.3. Failure to Comply: Delete in its entirety and insert the following: "Upon order of the court or statutory authority, the code official shall cause the structure or part thereof to be demolished, either through a public agency or by contract or arrangement with private parties, and the cost of said demolition and removal shall be recoverable from the owner or owners as provided by law."

Section 111. Means of Appeal: Delete this section in its entirety and insert the following: "The Housing Board of Appeals, as prescribed in Chapter 13, Article 2, Sections 41 through 55 of the Macomb Municipal Code, shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code".

Section 201.3. Terms Defined in Other Codes: Delete all references to the International Zoning Code and insert the Macomb Unified Development Ordinance No. 2750, as amended, in its place; and delete all references to the International Plumbing Code and
insert the 2004 Illinois State Plumbing Code, as amended; and delete all references to the ICC Electric Code and insert the 2012 NFPA National Electric Code in its place. Insert the words "Ordinances and/or" between the words "those" and "codes".

Section 202. General Definitions: Delete the definition of Code Official and replace with the following: "The Community Development Coordinator, who is charged with the administration and enforcement of this code, or any duly authorized representative".

Section 302.4. Weeds: Delete "10 inches (254 mm)" after the words "in excess of" and insert "6 inches" after the words "in excess of".

Section 302.8. Motor Vehicles: Delete "or unlicensed" after the words "no inoperative".

Section 302.9. Defacement of Property: Insert the following sentence after the sentence ending with "any marking, carving or graffiti.": "No person shall willfully or wantonly damage or mutilate any exterior property area, including driveways, sidewalks or yards."

Section 302.10. Indoor Furniture: Insert the following as Section 302.10: "All exterior shall be kept free from moveable furniture not designed for or maintained to withstand the elements and outdoor use which may deteriorate or fall into a state of disrepair and become a harborage for insects or vermin or otherwise pose a threat to the public health, safety or welfare."

Section 304.5. Foundation Walls: Delete the words "plumb and" after the words "shall be maintained".

Section 304.13.2. Openable Windows: Delete the words "and capable of being held in position by window hardware" after the words "shall be easily openable".


Section 602.2. Residential Occupancies: Delete the words "for the locality indicated in Appendix D of the International Plumbing Code".

Section 602.3. Heat Supply: Delete the words "[DATE] to [DATE]" and Insert the words "November 1 to May 1" after the words "during the period from".

Section 602.3. Heat Supply: Delete the following last sentence in the paragraph entitled "Exception": "The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code".

Section 604.2. Service: Delete the reference to the ICC Electrical Code and replace the 1999 NFPA National Electric Code in its place. Delete the words "a three-wire, 120/240 volt, single phase" after the words "Dwelling units shall be served by".

Section 702.1. General: Add the following sentence: "Every sleeping room in an R-3 Use Group located in a basement shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits."

(Ord. No. 2822, § 2, 3-5-01; Ord. No. 06-54, § 2, 11-7-06; Ord. No. 12-17, § 2, 4-2-12; Ord. No. 13-20, § 2, 5-20-13)
ARTICLE X. SWIMMING POOLS

Sec. 7-421. Compliance with article.

It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the city except in compliance with all of the provisions of this article.

(Code 1972, § 7-241)

Sec. 7-422. Definition.

For purposes of this article, the term "swimming pool" is defined as a receptacle for water or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion therein of human beings, including all appurtenant equipment.

(Code 1972, § 7-242)

Sec. 7-423. Fences.

All outdoor swimming pools shall be completely enclosed by a fence, as provided by the building code of the city.

(Code 1972, § 7-243)

Sec. 7-424. Means of egress.

Two or more means of egress in the form of steps or ladders shall be provided for all swimming pools, as provided by the building code of the city.

(Code 1972, § 7-244)

Sec. 7-425. Ring buoys and poles.

Every swimming pool shall be equipped with one or more throwing ring buoys not more than 15 inches in diameter and having 60 feet of at least 3/16-inch line attached, and one or more light but strong poles with blunted ends, not less than 12 feet in
length, for making reach assists or rescues.

(Code 1972, § 7-245)

Chapter 8 CEMETERIES [1](37)

ARTICLE I. IN GENERAL

Sec. 8-1. Definition.

Sec. 8-2. Cemeteries established; location.

Sec. 8-3. Applicability of chapter.

Secs. 8-4, 8-5. Reserved.

Sec. 8-6. Permission required to bring materials into cemetery.

Sec. 8-7. Opening of graves by unauthorized persons prohibited.

Sec. 8-8. Consent of owner required prior to interment or placing of monument.

Secs. 8-9—8-30. Reserved.

Sec. 8-1. Definition.

The word "cemetery," as used in this chapter, shall mean the city cemetery ground known as the Oakwood Cemetery and the city cemetery ground known as Old Macomb Cemetery.

(Code 1972, § 8-1)

Sec. 8-2. Cemeteries established; location.

(a) The land embraced in the survey of the cemetery ground situated in the southwest quarter of Section 30 in Township 6 North, Range 2 West in McDonough County, Illinois, made and platted by Charles A. Gilchrist and known as Oakwood Cemetery, also the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Additions to Oakwood Cemetery and all additions thereto as heretofore adopted and established as cemetery grounds, together with the streets and roads adjoining thereto, is hereby adopted, approved and established as a cemetery ground for the city and shall be and is hereby included within the corporate limits of the city.

(b) A part of the northeast quarter of Section 35 in Township 6 North, Range 3 West of the Fourth Principal Meridian and described as follows: commencing at the southeast corner of the quarter and run thence northerly on the section line 297.33 feet to the point of beginning, and from such point run thence westerly on the north fence line of the Vaughn Rigg Addition to the city 330.99 feet to a corner post; thence northerly along a fence 268.0 feet to a point that is 329.5 feet west of the section line; thence easterly on an
existing fence line 329.5 feet to the section line; thence southerly along the section line 268.0 feet to the place of beginning, such property being 2.032 acres, more or less, shall be known as Old Macomb Cemetery.

(Code 1972, § 8-2)

Sec. 8-3. Applicability of chapter.

Unless otherwise specifically provided, the provisions of this chapter shall apply to Oakwood Cemetery, to all additions made to Oakwood Cemetery and to all other cemeteries described in this chapter.

(Code 1972, § 8-3)

Secs. 8-4, 8-5. Reserved.

Editor's note—

Ord. No. 2603, § 58(c), adopted Jan. 3, 1994, repealed former §§ 8-4 and 8-5, which pertained to purchase of equipment, and to storage and removal of materials used for foundations and improvements.

Sec. 8-6. Permission required to bring materials into cemetery.

No stone, sand, monuments or material of any kind shall be brought inside the cemetery unless permission is first obtained from the cemetery caretaker or the mayor.

(Code 1972, § 8-6)

Sec. 8-7. Opening of graves by unauthorized persons prohibited.

No person who is not authorized by law to do so shall open any grave or remove any body from the cemetery.

(Code 1972, § 8-7)

Sec. 8-8. Consent of owner required prior to interment or placing of monument.

No interment shall be made or monument or stone placed upon any lot or half-lot in a cemetery without the consent of the owner or person in control thereof.

(Code 1972, § 8-8)

Secs. 8-9—8-30. Reserved.

ARTICLE II. CEMETERY CARETAKER [2][38]

Sec. 8-31. Cemetery caretaker.
Sec. 8-32. Reserved.
Sec. 8-31. Cemetery caretaker.

The cemetery caretaker shall be a city employee and shall report to the director of public works.

(Code 1972, § 8-19; Ord. No. 2895, § 1, 11-18-02)

Sec. 8-32. Reserved.

Editor's note—

Ord. No. 2603, § 58(c), adopted Jan. 3, 1994, repealed former § 8-32, which pertained to power as police officer and report of violations.

Sec. 8-33. Duties.

The cemetery caretaker shall have charge of and be superintendent of the cemetery and any addition may be made thereto. His duties shall include the following:

(1) He shall be in charge of all interments.

(2) He shall keep the grounds, avenues, alleys, lots, fences and buildings in good order and repair.

(3) He shall keep all graves properly seeded or sodded and filled and graded to a uniform level.

(4) He shall beautify and embellish the cemetery premises.

(5) He shall enforce and see that the provisions of this chapter are obeyed and complied with.

(6) He shall keep a record in a book to be kept for that purpose of the name, age and sex of all persons interred in the cemetery and the date and place of such interment.

(7) He shall make a quarterly report, under oath, of all the interments and all money collected by him from any source.

(8) He shall devote his entire time to the care of the cemetery and any other additional duties assigned him by the director of public works.

(Code 1972, § 8-21; Ord. No. 2895, § 1, 11-18-02)

Secs. 8-34—8-50. Reserved.
ARTICLE III. LOTS AND CRYPTS

DIVISION 1. GENERALLY

Sec. 8-51. Removal of materials which interfere with care of lots.

The cemetery caretaker shall remove all stones and other materials which may interfere with the proper cleaning and care of lots where parties do not properly care for the lots.

(Code 1972, § 8-32)

Sec. 8-52. Grading.

All lots in the cemetery shall be graded with and in conformity to the general lay of the land, not to exceed six inches above the walks, and with a slope to the outer edge next to the walks and alleys not greater than an angle of 45 degrees.

(Code 1972, § 8-33)

Sec. 8-53. Walks and ditches between lots.

No walks or ditches shall be made or dug between lots except those laid out according to a plat.

(Code 1972, § 8-34)

Sec. 8-54. Unsightly and dangerous trees and plants to be removed or trimmed.

When any tree, shrub, bush, plant or vine on any lot shall become unsightly, detrimental or dangerous, such tree, shrub, bush, vine or plant shall be at once removed or trimmed and pruned by the cemetery caretaker.

(Code 1972, § 8-35; Ord. No. 2603, § 11, 1-3-94)

Sec. 8-55. Fences, railings and ornamental hedges.

(a) No fence or railing of any kind shall be permitted on or
about any lot in the cemetery. Where any fence or railing which may now be on or around any lot shall decay or be out of repair or destroyed, the fence or railing shall be removed by the cemetery caretaker.

(b) No ornamental hedge of any kind shall be planted or grown on or about any lot, and any such hedge now growing on or around any lot shall, when the hedge dies or decays, be removed from the lot by the caretaker.

(Code 1972, § 8-36; Ord. No. 2603, § 12, 1-3-94)

Secs. 8-56—8-70. Reserved.

DIVISION 2. SALES

Sec. 8-71. Lots to be sold for cash and for burial purposes only.

Sec. 8-72. Designation of lots to be sold.

Sec. 8-73. Lots not to be sold for speculation.

Sec. 8-74. Limit on number of lots sold to each person.

Sec. 8-75. Lot prices.

Sec. 8-76. Price of crypts; fee for opening and closing.

Sec. 8-77. Deed; conditions in deed; deed to trustee.

Sec. 8-78. Collection and disbursement of funds.

Sec. 8-79. Records; report to city council.

Sec. 8-80. Reserved.

Secs. 8-81—8-100. Reserved.

Sec. 8-71. Lots to be sold for cash and for burial purposes only.

Cemetery lots and half-lots may be sold for cash for burial purposes only.

(Code 1972, § 8-42)

Sec. 8-72. Designation of lots to be sold.

Individual lots for a single burial may be sold in that portion of the cemetery laid off and designated for such purposes.

(Code 1972, § 8-43; Ord. No. 2603, § 13, 1-3-94)

Sec. 8-73. Lots not to be sold for speculation.

No lot in the cemetery shall be sold to any person for the purpose of
speculation.

(Code 1972, § 8-44)

Sec. 8-74. Limit on number of lots sold to each person.

There shall be a limit of one lot sold to each person except for small vaults or mausoleums for families.

(Code 1972, § 8-45)

Sec. 8-75. Lot prices.

(a) The remaining lots in the cemetery and the several additions thereto, except those in the potter's field, shall be sold for the following prices:

The lot price shall be as designated in the city fee schedule. [Chapter 24]

(b) The word "lot," as used in this section, shall mean a platted lot or fraction thereof. The term "burial place," as used in this section, shall mean a space sufficient for the interment of the body of a deceased adult person, such space usually being eight feet long and three feet wide.

(Code 1972, § 8-46; Ord. No. 2506, § 1, 4-20-92; Ord. No. 2615, § 1, 4-18-94; Ord. No. 2932, § 2, 11-3-03; Ord. No. 05-34, § 5, 12-5-05)

Sec. 8-76. Price of crypts; fee for opening and closing.

The price and fees shall be as designated in the city fee schedule. [Chapter 24]

(Code 1972, § 8-47; Ord. No. 2506, § 2, 4-20-92; Ord. No. 2615, § 2, 4-18-94; Ord. No. 2932, § 2, 11-3-03; Ord. No. 05-34, § 6, 12-5-05)

Sec. 8-77. Deed; conditions in deed; deed to trustee.

Upon payment to the city clerk of the price of a lot or half-lot the mayor and city clerk shall execute, acknowledge and deliver to the purchaser a deed of conveyance for the lot or half-lot subject to any charges or assessments which may at any time be made or assessed against the lot or half-lot for the purpose of improving and keeping in repair the cemetery or any addition which may be made thereto, and also subject to any and all rules, regulations and restrictions which have been or may be made or imposed by the city council. No deed shall be made to any estate, administrator, executor or deceased person, and, if any deed is made to a trustee, the person for whose benefit such conveyance may be made shall be named in the deed.

(Code 1972, § 8-48)

Sec. 8-78. Collection and disbursement of funds.
All funds in connection with the cemetery shall be first collected by the city clerk and then turned over to the city treasurer.

(Code 1972, § 8-49; Ord. No. 2603, § 14, 1-3-94)

Sec. 8-79. Records; report to city council.

The city clerk shall keep a record of the descriptions, the names of the purchasers and the date of sale of all cemetery lots. He shall report all sales to the city council.

(Code 1972, § 8-50)

Sec. 8-80. Reserved.

Editor's note—

Ord. No. 2603, § 58(c), adopted Jan. 3, 1994, repealed former § 8-80, which pertained to the use of proceeds for sale of lots.

Secs. 8-81—8-100. Reserved.

ARTICLE IV. INTERMENTS

Sec. 8-101. Interment not to be made until lot is paid for; notice of payment.

Sec. 8-102. Notice of interment; records.

Sec. 8-103. Fees.

Sec. 8-104. Depth of graves.

Sec. 8-105. Outside coffin receptacles.

Sec. 8-106. Crypt building requirements.

Sec. 8-107. Placement of crypts.

Secs. 8-108—8-120. Reserved.

Sec. 8-101. Interment not to be made until lot is paid for; notice of payment.

No interment shall be made on any lot or half-lot in the cemetery until the lot has been paid for. The cemetery caretaker shall be notified by the city clerk or city treasurer when each lot has been paid for.

(Code 1972, § 8-62)

Sec. 8-102. Notice of interment; records.

(a) When an interment is to be made, due notice shall be given to the cemetery caretaker, together with the following information, if
known:

(1) The name, age, nationality and date of death of the deceased.

(2) The name of the deceased's spouse, children and father, the maiden name of his mother and the names of all brothers and sisters.

(b) The information required by this section shall be recorded by the cemetery caretaker in a well-bound book to be provided by the city.

(Code 1972, § 8-63)

Sec. 8-103. Fees.

The fee for digging and covering a grave shall be as follows:

(1) For full size-graves, the fee shall be as designated in the city fee schedule.

(2) For graves for infants of one year of age or less, the fee shall be as designated in the city fee schedule.

(3) For disinterment, the fee shall be as designated in the city fee schedule.

(4) The fee for cremation opening shall be as designated in the city fee schedule.

(Code 1972, § 8-64; Ord. No. 2506, § 3, 4-20-92; Ord. No. 2615, § 3, 4-18-94; Ord. N. 2932, § 2, 11-3-03; Ord. No. 05-15, § 2, 5-16-05)

Sec. 8-104. Depth of graves.

Graves shall be not less than 4½ feet deep for adults and not less than three feet deep for children. The top of all vaults shall be at least 2½ feet below the surface of the ground.

(Code 1972, § 8-65)

Sec. 8-105. Outside coffin receptacles.

All outside coffin receptacles used in lieu of vaults shall be constructed of concrete or a comparable approved material.

(Code 1972, § 8-66)

Sec. 8-106. Crypt building requirements.

(a) All crypts will have a concrete footing of 42 inches in depth, and the width to be determined by the manufacturer specifications.
(b) All crypts will have a 12-inch wide border of concrete or suitable material on all sides.

(c) When two single crypts are to be placed on the same lot, concrete or suitable material must be placed between the two crypts.

(d) A double crypt lot will be 20 feet wide by 20 feet deep (eight spaces).

(e) A single crypt lot will be 16 feet wide by 20 feet deep (six spaces).

(f) The crypts shall be constructed of solid granite and bolted together with stainless steel hardware.

(g) Any variation from the crypt building requirements must be approved by the city council or its designee.

(Ord. No. 05-34, § 3, 12-5-05)

Sec. 8-107. Placement of crypts.

(a) All crypts shall be placed in designated crypt areas.

(b) Owners of regular cemetery lots with proof of ownership may exchange the regular cemetery lots for crypt lots by paying any difference in the lot cost plus the recording fee.

(c) Other placement requests will be considered on a case by case basis taking into consideration accessibility, impact on the neighboring sites, and adequate spaces to accommodate single or double crypts.

(d) Any variation in the placement of crypts must be approved by the city council or its designee.

(Ord. No. 05-34, § 4, 12-5-05)

Secs. 8-108—8-120. Reserved.

ARTICLE V. MONUMENTS

Sec. 8-121. Monuments to be installed during regular working hours.

Sec. 8-122. Supervision of installation.

Sec. 8-123. Foundation.

Sec. 8-124. Placement of tombstones.

Secs. 8-125—8-140. Reserved.

Sec. 8-121. Monuments to be installed during regular working hours.
It shall be unlawful for any person to place, set or install a stone or monument in the cemetery at any time before or after regular working hours of cemetery employees.

(Code 1972, § 8-76)

Sec. 8-122. Supervision of installation.

It shall be unlawful for any person to install, place or set any monuments except under the supervision of the cemetery caretaker.

(Code 1972, § 8-77)

Sec. 8-123. Foundation.

The foundation of all monuments shall be made of materials suitable for the purpose laid in cement and shall be installed in a manner consistent with accepted standards and subject to the approval of the sexton.

(Code 1972, § 8-78; Ord. No. 2603, § 15, 1-3-94)

Sec. 8-124. Placement of tombstones.

Tombstones shall be placed entirely within the lot lines of the appropriate cemetery lot and shall be located upon such lot and erected in such a manner as approved by the sexton.

(Ord. No. 2603, § 16, 1-3-94)

Secs. 8-125—8-140. Reserved.

ARTICLE VI. CONDUCT IN CEMETERY

Sec. 8-141. Unauthorized persons prohibited on grounds during certain hours.

Sec. 8-142. Destruction of cemetery property.

Sec. 8-143. Shouting; boisterous conduct.

Sec. 8-144. Hunting and use of firearms prohibited; exception.

Sec. 8-145. Use of animals and vehicles.

Sec. 8-146. Littering.

Sec. 8-147. Removal of debris.

Sec. 8-148. Removal of grave decorations; depositing materials in walks or roadways.

Sec. 8-141. Unauthorized persons prohibited on grounds during certain hours.

It shall be unlawful for any person to be in or upon any part of Oakwood
Cemetery and the additions thereto, St. Paul's Catholic Cemetery or any other cemetery in the city between the hours of 10:00 p.m. and 6:00 a.m. of the following day; provided that this section shall not apply to the cemetery caretaker or any person duly authorized by him to be on the premises or to any law enforcement officer.

(Code 1972, § 8-89)

Sec. 8-142. Destruction of cemetery property.

(a) No person shall willfully throw down, injure, destroy or deface any fence, building, structure, tree, shrub or boundary stake located on the cemetery grounds.

(b) No person shall willfully destroy, deface or in any manner soil, disturb or injure any monument, stone, mark or ornament or anything placed in the cemetery for the purpose of perpetuating the memory of the dead or for the purpose of ornamenting any lot or grave or any part of the cemetery.

(Code 1972, § 8-90)

Sec. 8-143. Shouting; boisterous conduct.

It shall be unlawful for any person to engage in any shouting, yelling, loud or obscene talking or boisterous conduct in the cemetery.

(Code 1972, § 8-91)

Sec. 8-144. Hunting and use of firearms prohibited; exception.

It shall be unlawful for any person to engage in hunting any animal or bird in the cemetery, and it shall be unlawful for any person to shoot or discharge any firearm or gun in the cemetery, except on ceremonial occasions with the permission of the cemetery caretaker.

(Code 1972, § 8-92)

Sec. 8-145. Use of animals and vehicles.

No person shall ride an animal or drive a vehicle over any part of the cemetery grounds except in the regularly platted streets or driveways thereof without first obtaining permission from the cemetery caretaker.

(Code 1972, § 8-93)

Sec. 8-146. Littering.

No person shall throw or leave any straw, grass, rubbish or refuse of any kind on any lot, walk, drive or road or any other part of the cemetery.

(Code 1972, § 8-94)
Sec. 8-147. Removal of debris.

Any person leaving any material or debris in the cemetery shall remove the material or debris whenever directed by the caretaker.

(Code 1972, § 8-95)

Sec. 8-148. Removal of grave decorations; depositing materials in walks or roadways.

All flowers, wreaths and other grave decorations and the receptacles and standards in or on which they rest or are supported, except flowers, plants and shrubs which have been planted and are growing in the ground, must be removed from graves within seven days after being placed there, and if not so removed may be removed and disposed of by the caretaker and those working under him. No such decorations, receptacles and standards and no rubbish or trash shall be deposited or left upon any of the walks or roadways of the cemetery.

(Code 1972, § 8-96)

Chapter 9 CITY RESERVOIR [1][39]

ARTICLE I. IN GENERAL

Sec. 9-1. Definitions.
Sec. 9-2. Zones established.
Sec. 9-3. Opening and closing hours.
Sec. 9-4. Permits.
Sec. 9-5. Disturbing shrubs and trees.
Secs. 9-6—9-30. Reserved.

Sec. 9-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Boat means canoes, kayaks, sailboats, rafts and other types of traditional watercraft.

County health department means the McDonough County Health Department or its successor.

Dam means the earth and concrete dam constructed by the city in Spring Creek located in the northeast quarter of Section 15 in Township 6 North, Range 3 West, of the Fourth Principal Meridian (Emmet Township) in the county, forming the reservoir.
Distances. The distance mentioned in section 9-2 under zones B, C and D shall be measured on a horizontal line from the high-water mark except when otherwise specified.

Drainage area means that area of land or water that drains to Spring Creek and its tributary branches above the dam.

High-water mark means the contour known as 661.5 referred to United States government survey elevation as obtained from the United States government benchmark established on the Western Illinois University campus in the city.

Intake means the place and structure where the water supply for the city is taken from the reservoir into the pipeline to the city.

Management agent means any government entity or corporation that the City of Macomb might contract with to manage Spring Lake Reservoir and/or Spring Lake Park.

Reservoir and city reservoir mean the artificial body of water formed by the dam and known as Spring Lake.

Watercourse means any stream or channel or natural or artificial spring of any kind in which water flows continuously or intermittently over any part of the drainage area into any part of the reservoir, directly or indirectly.

(Code 1972, § 9-1; Ord. No. 2603, § 17, 1-3-94; Ord. No. 09-27, § 2, 8-3-09)

Definitions and rules of construction generally, § 1-2.

Sec. 9-2. Zones established.

The city reservoir shall consist of the following zones:

(1) Zone A. Zone A shall consist of all land and water lying within or below the high-water mark in the reservoir site, whether flooded or not. This zone includes tributary watercourses upstream to the high-water mark.

(2) Zone B. Zone B shall consist of that portion of the drainage area within 100 feet of the high-water mark around the reservoir and within the same distance of any of its tributaries extending upstream, following the channel of the stream, a distance of one-half mile from the high-water mark. This zone shall include at certain places all land extending from the 100-foot limit to the end of the ravine where slopes are steep; provided the city council or its duly authorized representative shall first notify in writing the owners and tenants of such lands and ravines upon the owners being located.

(3) Zone C. Zone C shall consist of all territory within 500 feet of zone B.

(4) Zone D. Zone D shall consist of the remainder of the drainage area.

(Code 1972, § 9-2)

Sec. 9-3. Opening and closing hours.
The city or its management agent shall by resolution set the opening and closing hours of Spring Lake Park.

(Ord. No. 09-27, § 3, 8-3-09)

Editor's note—


Sec. 9-4. Permits.

(a) Permits may be issued by the city council, public works director or by the management agent.

(b) Any permit issued pursuant to this chapter may be revoked by the city council, public works director or by the management agent for violation of any of the provisions of this chapter.

(Code 1972, § 9-4; Ord. No. 09-27, § 4, 8-3-09)

Sec. 9-5. Disturbing shrubs and trees.

No wild or domestic flower or shrub of any kind shall be picked or dug or molested in any way nor shall any tree be cut or molested on the reservoir or adjacent city property except as authorized by the city and/or management agent.

(Code 1972, § 9-6; Ord. No. 2603, § 19, 1-3-94; Ord. No. 09-27, § 5, 8-3-09)

Vegetation, ch. 21.

Secs. 9-6—9-30. Reserved.

Editor's note—

Ord. No. 09-27, § 6, adopted August 3, 2009, repealed § 9-6, which pertained to opening and closing hours and derived from § 9-7 of the 1972 Code; Ord. No. 2616, § 1, 4-18-94.

ARTICLE II. POLLUTION PREVENTION [2](40)

Sec. 9-31. Findings; purpose of article.

Sec. 9-32. County health department to cooperate in prevention of pollution.

Sec. 9-33. Pollution in zone A prohibited.

Sec. 9-34. Interments.

Sec. 9-35. Barns, stables, etc.

Sec. 9-36. Cattle pasturage.
Sec. 9-31. Findings; purpose of article.

The city council finds that pollution of the water of the reservoir constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life, impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of the water, depresses property values and offends the senses. It is the purpose of this article to maintain and enhance the purity of the waters of the reservoir in order to protect health, welfare, property and the quality of life, and to ensure that no contaminants are discharged into the waters without being given the degree of treatment or control necessary to prevent pollution and protect the public water supply.

(Code 1972, § 9-18; Ord. No. 09-27, § 8, 8-3-09)

Sec. 9-32. County health department to cooperate in prevention of pollution.

The public works director shall consult and cooperate with the county health department in the prevention and abatement of the pollution of the reservoir and its tributaries.

(Code 1972, § 9-18; Ord. No. 2603, § 20, 1-3-94; Ord. No. 09-27, § 9, 8-3-09)

Sec. 9-33. Pollution in zone A prohibited.

No person shall cause or permit the territory and water in zone A to be used, kept or maintained so as to cause or tend to cause pollution of the water in the reservoir.

(Code 1972, § 9-20)

Sec. 9-34. Interments.

No interment shall be made in any cemetery or other place of burial within one-quarter mile from zone A as established in this chapter.

(Code 1972, § 9-26; Ord. No. 09-27, § 11, 8-3-09)

Editor's note—

Ordinance No. 09-27, § 10, adopted August 3, 2009, repealed § 9-34, which pertained to construction and maintenance of buildings and other structures and derived from § 9-21 of the 1972 Code; Ord. No. 2603, § 21, 1-3-94. Section 11 of said ordinance renumbered § 9-35 as § 9-34.

Cemeteries, ch. 8.
Sec. 9-35. Barns, stables, etc.

(a) No stable, pigsty, hog yard, barnyard, chicken yard, hitching or standing place for animals or any other such place where dung or urine accumulates shall be constructed or maintained within zones A and B as established in this chapter, or in zone C.

(b) No stable, pigsty, hog yard, barnyard, chicken yard, hitching or standing place for animals or any other place where dung or urine accumulates shall be constructed or maintained in zone C or in zone D so as to threaten objectionable pollution of the reservoir or any of its tributary watercourses.

(Code 1972, § 9-28; Ord. No. 2603, § 22, 1-3-94; Ord. No. 09-27, § 12, 8-3-09)

Editor's note—Ordinance No. 09-27, § 12, adopted August 3, 2009, renumbered § 9-36 as § 9-35 and amended such section to read as herein set out.

Animals, ch. 6.

Sec. 9-36. Cattle pasturage.

No cattle pasturage shall be established within zones A or B as established in this chapter, or within zone C.

(Code 1972, § 9-29; Ord. No. 09-27, § 13, 8-3-09)

Editor's note—Ordinance No. 09-27, § 13, adopted August 3, 2009, renumbered § 9-37 as § 9-36 and amended such section to read as herein set out.

Animals, ch. 6.

Sec. 9-37. Washing animals, clothing or other articles.

It shall be unlawful for any person to wash any animal of any kind or any clothing or any articles in the reservoir within zone A.

(Code 1972, § 9-30; Ord. No. 09-27, § 14, 8-3-09)


Sec. 9-38. Boats and boating.

(a) No boats commonly known as houseboats or boats upon which the occupants remain overnight shall be permitted on the reservoir.

(b) Boats equipped with toilet facilities must have an
operable certified marine sanitation device. It is unlawful to discharge any sewage into Illinois waters directly or indirectly.

(c) It shall be unlawful for any person to use or operate a boat on the reservoir in such a manner as to create any unsanitary conditions in or about the waters of the reservoir. It shall be unlawful for any person using and operating a boat on the reservoir to pollute the waters of the reservoir or make the waters unwholesome or unfit for use.

(d) The county health department and/or public works director shall at all times have full power and authority to prohibit the use and operation of any and all boats and canoes on the waters of the reservoir should it become necessary in the opinion of the department that the use and operation of boats and canoes in the waters should be discontinued for any reason having to do with the sanitary or pollution prevention conditions thereof.

(e) The city or its management agent shall have the authority to establish structural standards for boats allowed on the reservoir, and shall prohibit those that don't meet standards.

(Code 1972, § 9-32; Ord. No. 2603, § 23, 1-3-94; Ord. No. 09-27, § 16, 8-3-09)

Editor's note—

Ordinance No. 09-27, § 15, adopted August 3, 2009, repealed § 9-39, which pertained to swimming and derived from § 9-31 of the 1972 Code. Section 16 of said ordinance renumbered § 9-40 as § 9-38 and amended such section to read as herein set out.

Sec. 9-39. Fishing.

It shall be unlawful for any person to use the waters of the reservoir for fishing purposes in such a manner as to create any unsanitary conditions in or about the waters or to pollute the waters so as to make them unwholesome or unfit for use with reasonable purification. It shall be unlawful for any person to dump or throw any bait or refuse in the waters of the reservoir.

(Code 1972, § 9-33; Ord. No. 09-27, § 17, 8-3-09)

Editor's note—


Secs. 9-40—9-60. Reserved.

ARTICLE III. RECREATION

Sec. 9-61. Scope of article.
Sec. 9-62. Swimming.
Sec. 9-63. Boating.
Sec. 9-64. Fishing.

Sec. 9-65. Hunting and firearms prohibited; exceptions.

Sec. 9-66. Reserved.

Sec. 9-67. Camping.

Secs. 9-68—9-80. Reserved.

Sec. 9-61. Scope of article.

The provisions of this article shall govern swimming, boating, fishing, hunting and other activities on or about the reservoir.

(Code 1972, § 9-44; Ord. No. 09-27, § 18, 8-3-09)

Sec. 9-62. Swimming.

It shall be unlawful for any person to bathe, swim or water ski in the reservoir in zone A. A special event swimming request can be made by application to the city clerk’s office. The application will be reviewed by the city staff and either denied or granted, with or without conditions. The applicant is responsible for providing required lifeguard(s), obtaining waivers from all participants, and providing proof of general liability insurance in an amount not less than $1,000,000.00 of general coverage, naming the City of Macomb and Spring Lake Management as additional insureds. In the event any conditions or requirements are not met, or there are any concerns regarding safety or organization of the event, the city or its designee has the right to revoke the special event swimming permit.

(Ord. No. 09-27, § 19, 8-3-09; Ord. No. 16-21, § 2, 7-5-16)

Sec. 9-63. Boating.

(a) The city or its management agent may establish rules prohibiting boating under certain conditions.

(b) No person shall engage in boating on the reservoir except on such days as the city council, public works director, or management agent may designate and in accordance with such rules and regulations as they may establish.

(c) It shall be unlawful to operate a motor-powered watercraft at any speed great enough to create a wake in any area declared to be a "no wake" boating area. For purposes of the Code, a "wake" is defined as a movement of water created by a boat underway great enough to disturb a boat at rest, but under no circumstances shall a boat underway exceed five miles per hour while in a "no wake" area.

(d) The entire area of Spring Lake Reservoir shall be no wake area.
(e) Two cycle outboard motors manufactured after model year 2005 are prohibited on the reservoir unless the outboard motor meets United States Environmental Protection Agency 2006 outboard emission standards as demonstrated by a US EPA label affixed by the manufacturer to the outboard motor.

(f) Two cycle outboard motors manufactured before model year 2006 shall be prohibited on the reservoir after January 1, 2017.

(g) All boats which are left at the reservoir, which owners rent dock space from the city or its management agent, shall be numbered and registered with the city or its management agent.

(h) When in use all boats shall be equipped with one Coast Guard approved life preserver, ring buoy, buoyant vest or cushion in good and serviceable condition and readily accessible for each person on board. All occupants of sailboats and rubber or vinyl rafts shall wear a Coast Guard approved life preserver, or buoyant vest in good and serviceable condition. Approved devices are identifiable by the "Laboratory/U.S.C.G." inspection label and numbers.

(i) Persons under the age of ten may not operate any motorized vessel, including personal watercraft.

(j) Persons at least ten years old but less than 12 years old may operate a motorized vessel, including a personal watercraft, only if they are accompanied by and under the direct control of a parent, a guardian, or a person at least 18 years old designated by the parent or guardian.

(k) Persons at least 12 years old but less than 18 years old may operate a motorized vessel, including a personal watercraft, only if:

   (1) They complete a boating safety course and possess a boating safety education card accepted by the Department of Natural Resources or

   (2) They are accompanied by and under the direct control of a parent, a guardian, or a person at least 18 years old designated by the parent or guardian.

(l) Rate for docking boats. Rates for dock rental shall be established yearly by the city or its management agent.

(m) Rate for renting boats. Rates for boat and life jacket rental shall be established yearly by the city or its management agent.

(n) Removal of illegally stored boats. The city or its management agent is hereby authorized to remove and tow away any boat illegally stored on city property adjacent to Spring Lake. Boats so towed away shall be stored and shall be restored to the owner or operator thereof after the payment of the sum of $200.00 to the city for the expenses incurred by the city in removing and storing such boats.
Sec. 9-64. Fishing.

(a) Except as otherwise provided in this section, by the fish and aquatic life code or other state law, every fish caught in the reservoir may be kept.

(b) The number, size and varieties of fish for which limits are imposed shall conform with Illinois Department of Natural Resources (IDNR) regulations.

(c) No person shall fish in the reservoir with more than two sport fishing poles with not more than two hooks attached. The use of multiple hook devices such as trotlines, bank poles, juglines or similar devices is prohibited.

(d) No ice fishing shall be permitted on the reservoir or adjacent city property. Ice fishing is defined as the activity of catching fish with tines and fish hooks or spears through an opening in the ice on a frozen body of water.

Sec. 9-65. Hunting and firearms prohibited; exceptions.

(a) No hunting of any kind shall be permitted on the reservoir or adjacent city property except as contained in this ordinance, and no firearm of any description shall be brought onto the property except by a duly authorized officer or official, or for purposes of hunting as permitted in season in accordance with federal and state law when authorized by the city.

(b) The hunting of ducks, geese, coots and brants shall be permitted in season in accordance with federal and state law.

(c) Hunting will be permitted within IDNR regulations, and within other regulation established by the city or its management agent. A Spring Lake licensing requirement may be established by the city or its management agent, with an appropriate fee schedule attached.

Sec. 9-66. Reserved.

Editor's note—

Sec. 9-67. Camping.
Rates for camping, as well as rules to facilitate orderly camping, shall be established from time to time by the city or its management agent.

(Code 1972, § 9-50; Ord. No. 2506, § 5, 4-20-92; Ord. No. 2668, § 1, 5-15-95; Ord. No. 09-27, § 25, 8-3-09)

Secs. 9-68—9-80. Reserved.

ARTICLE IV. CONSTRUCTION AND MAINTENANCE OF BUILDINGS AND OTHER STRUCTURES

Sec. 9-81. Buildings within zones A, B and C.

No building or other structure, whether for habitation or otherwise, shall be built or maintained on private ground not owned by the city within the limits of zone A, B or C as established in this chapter unless a permit in writing shall be granted by the city, existing buildings and structures excepted.

(Ord. No. 09-27, § 27, 8-3-09)

Sec. 9-82. Buildings on city-owned property.

No building of any kind shall be constructed on ground owned by the city without express permission from the city council.

(Ord. No. 09-27, § 28, 8-3-09)

Sec. 9-83. Boat landings and docks.

No private boat landing or dock shall be constructed or maintained in zones A and B without written permit/lease from the city council.

(Ord. No. 09-27, § 29, 8-3-09)

Sec. 9-84. Hunting structures.

The city or its management agent may permit the construction of temporary
structures associated with the hunting of wildlife.

(Ord. No. 09-27, § 30, 8-3-09)

Secs. 9-85—9-100. Reserved.

ARTICLE V. GOLF CART VEHICLES IN SPRING LAKE PARK [3](41)

Sec. 9-101. Generally.

Sec. 9-102. Definitions.

Sec. 9-103. Requirements.

Sec. 9-104. Rules concerning alternate transportation for the city.

Sec. 9-105. Permits.

Sec. 9-106. Violations.

Sec. 9-107. Miscellaneous.

Sec. 9-101. Generally.

Golf cart vehicles, as defined and qualified herein shall be allowed in designated areas within Spring Lake Park. The use of ATV's, side by sides or gators within the Spring Lake Park or on Spring Lake Park property is forbidden, excepting use by city staff, management agent staff, and their designees when providing services to the Spring Lake Park and with specific permission from the city or its designee.

(Ord. No. 16-23, § 2, 7-18-16)

Sec. 9-102. Definitions.

(a) Golf Cart shall mean a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course. (625 ILCS 5/1-123.9)

(b) Spring Lake Park means any of the streets or designated areas within the boundaries of the Spring Lake Park, in the City of Macomb.

(Ord. No. 16-23, § 2, 7-18-16)

Sec. 9-103. Requirements.

All persons wishing to operate a golf cart vehicle on the Spring Lake Park designated areas must ensure compliance with the following requirements:

(1) Proof of current liability insurance.
(2) Must be certified with the city and have the vehicles certified with the City by inspection by the police chief or designated representative.

(3) Must display Spring Lake decal on the rear of the vehicle.

(4) Must have a current, valid Illinois driver's license.

(5) Each golf cart vehicle must be equipped with brakes, steering apparatus, tires, rearview mirror, red reflectors, slow moving emblem, headlights, front and rear turn signal lights, tail lights, and brake lights.

(Ord. No. 16-23, § 2, 7-18-16)

Sec. 9-104. Rules concerning alternate transportation for the city.

(a) Must obey all traffic laws of the state and the city.

(b) Must be operated only on/in designated areas within Spring Lake Park.

(c) A person operating or who is in actual physical control of a golf cart vehicle as described herein on a designated areas while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes (625 ILCS 5/11-500—11-502).

(Ord. No. 16-23, § 2, 7-18-16)

Sec. 9-105. Permits.

(a) No person shall operate a qualified golf cart vehicle without first obtaining a permit from the city clerk, or their designee, as provided herein. Permits shall be granted for a period of one year and renewed annually. The cost of the permit is $20.00.

(b) Every application for a permit shall be made on a form supplied by the city/Spring Lake Park and shall contain the following information:

(1) Name and address of applicant.

(2) Signed waiver of liability by applicant releasing the city and its designee, and agreeing to indemnify and hold the city, and its designee, harmless from any and all future claims resulting from the operation of their golf cart vehicle on the Spring Lake Park designated areas.

(3) Name of the liability insurance carrier and a photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit. Photocopy of the operator's current driver's license.
Such other information as the city or their designee may require.

The city or its designee may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any provision of this article or there is evidence that permittee cannot safely operate a golf cart vehicle on the designated areas.

Sec. 9-106. Violations.

(a) Any vehicle authorized for use on public property by the passage of this article will be subject to all local and state laws that generally apply to the respective Motor Vehicle Codes and any violation of either code will cause the operator of said vehicle to be eligible for criminal prosecution according to the laws of that code.

(b) Any person who violates any provision of this article shall be guilty of an ordinance violation and shall be punished by a fine of not less than $100.00, and up to $750.00. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than three nor more than five years. To the extent that any violation of this article also constitutes a violation of a criminal statute of the state, then the violator shall also be subject to criminal prosecution.

Sec. 9-107. Miscellaneous.

(a) In the event that a court of competent jurisdiction declares any particular provision of this article to be invalid or unenforceable, the remaining provisions of this article shall be construed to be valid and enforceable. The invalidity of any part of this article shall not affect any part or parts thereof.

(b) Any article, or portion thereof, of the city which is contrary to this article shall be deemed to be replaced.

Chapter 10 FIRE PREVENTION AND PROTECTION [1](42)

ARTICLE I. IN GENERAL

Sec. 10-1. Maintenance of fire hazards prohibited.

Sec. 10-2. Outside burning.

Sec. 10-3. Other burning prohibited.
Sec. 10-4. Interfering with firefighters and fire equipment.
Sec. 10-5. False alarms of fire.
Sec. 10-6. Evacuation.
Sec. 10-7. Fire access lanes.
Sec. 10-8. Emergency access systems.
Secs. 10-9—10-30. Reserved.

Sec. 10-1. Maintenance of fire hazards prohibited.

It shall be unlawful for any person to create or maintain or permit to exist on property owned or occupied by him any condition which is liable to cause a fire or which constitutes a fire hazard.

(Code 1972, § 10-1)

Sec. 10-2. Outside burning.

(a) It shall be unlawful for any person to burn any combustible material upon any street in the city.

(b) No person shall burn any combustible material out of doors within the area bounded on the east by Campbell Street, on the south by Jefferson Street, on the west by McArthur Street and on the north by Adams Street and the extension of the south line thereof eastward from Randolph Street to Campbell Street, unless such material is burned in a closed incinerator equipped with a flue covered with a spark arrester constructed of metal screen with a mesh not greater than one-half inch on a side, which incinerator shall be located at least 20 feet from any building.

(c) It shall be unlawful to build any fire that is not so completely enclosed as to prohibit the escape of flames, sparks or hot ash when a fire ban has been declared by either the city council or the fire department.

(d) No person shall burn any garbage, grass clippings, leaves, rubbish or other refuse out of doors anywhere in the city.

(Code 1972, § 10-4; Ord. No. 2860, § 1, 3-18-02)

Authority to ban open burning, § 10-88; burning garbage or refuse which emits offensive odor, § 11-3; burning rubbish on public ways, § 11-4.

Sec. 10-3. Other burning prohibited.

No person shall burn any garbage, rubbish or other refuse anywhere indoors in the city except in an incinerator complying with all applicable laws and ordinances.

(Ord. No. 2860, § 1, 3-18-02)
Sec. 10-4. Interfering with firefighters and fire equipment.

It shall be unlawful for any person to hinder or interfere with any officer or firefighter in the performance of his duty at a fire. It shall be unlawful for any person to injure, deface or interfere with any engine, hose or other fire apparatus belonging to or under the control of the city.

(Code 1972, § 10-12; Ord. No. 2860, § 1, 3-18-02)

Editor's note—Formerly § 10-3.

Sec. 10-5. False alarms of fire.

It shall be unlawful for any person to knowingly start or spread any false alarm of fire in the city.

(Code 1972, § 10-13; Ord. No. 2860, § 1, 3-18-02)

Editor's note—Formerly § 10-4.

False reports, § 16-32.

Sec. 10-6. Evacuation.

All residents or occupants shall immediately evacuate any building in which a fire alarm has been sounded, or when directed to do so by an appropriate official agent of the state, city, county or university.

(Code 1972, § 10-14; Ord. No. 2860, § 1, 3-18-02)

Editor's note—Formerly § 10-5.

Sec. 10-7. Fire access lanes.

It shall be unlawful for any person to park or leave unattended a motor vehicle in any area designated as a fire access lane by the fire department. Fire access lanes may be designated on public or private property upon the inspection and approval of the fire chief.

(Code 1972, § 10-15; Ord. No. 2860, § 1, 3-18-02)

Editor's note—Formerly § 10-6.

Parking, § 15-211 et seq.

Sec. 10-8. Emergency access systems.
All buildings by this Code are required to have an automatic fire alarm system and/or sprinkler/suppression system shall also be required to install an emergency access system at their main entrance or at an entrance approved by the city's fire department.

(1) The emergency access system shall conform in all respects with the guidelines established by the fire chief or his/her designee. The owner or the occupant in the case of a leasehold, or either of their agents as the case may be, is responsible for the ordering and the installation of the emergency access system.

(2) The system where required shall be in place prior to the occupancy of any new construction and within 180 days from passage of this section [October 2, 2000] on existing buildings.

(3) Any existing buildings that undergo additions or modifications involving automatic fire alarm systems and/or sprinkler suppression systems within 180 days after approval of this section will require the installation of the emergency access system prior to its occupancy.

(4) The fire chief or his/her designee may require an emergency access system when access to, or within a structure or an area on that property is unduly difficult because of secured openings and where immediate access is necessary for life saving/fire fighting purposes, and/or hazardous materials incident mitigation.

(5) The building owner or occupant is responsible for the installation of the emergency access system. The key box must be mounted on the building exterior at a height of between four to six feet and within three feet of the fire department access point.

(6) Key boxes shall contain keys to:
   a. Locked point of egress whether on the interior or exterior of such buildings.
   b. Keys to locked mechanical rooms.
   c. Keys to locked electrical rooms.
   d. Keys to elevator controls.
   e. Keys to other areas, as directed by the fire official.

(Ord. No. 2810, § 2, 10-2-00; Ord. No. 2860, § 1, 3-18-02)

Editor's note—Formerly § 10-7.

Secs. 10-9—10-30. Reserved.

ARTICLE II. FIRE PREVENTION
DIVISION 1. GENERALLY

Sec. 10-31. Adoption of fire code.

Sec. 10-32. Additions, insertions, deletions and changes.

Secs. 10-33—10-35. Reserved.

Sec. 10-36. Underground storage tanks.

Sec. 10-37. Use of noncombustible materials in building construction.

Sec. 10-38. Power of fire chief to modify code; extent of modification; records.

Sec. 10-39. Appeals from decision of fire chief.

Sec. 10-40. New materials, processes or occupancies requiring permit.

Sec. 10-41. Violations.

Sec. 10-42. Fire alarms.

Sec. 10-43. Contracts for fire protection service outside corporate limits.

Secs. 10-44—10-60. Reserved.

Sec. 10-31. Adoption of fire code.

(a) A certain document, three copies of which are on file in the Office of the City Clerk of the City of Macomb, Illinois, being marked and designated as "The International Fire Code, 2012", including Appendices B, C, D, E, F and G, but not Appendix A, as published by the International Code Council, Inc., be and is hereby adopted as the fire code of the City of Macomb in the State of Illinois; for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Macomb, Illinois, and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2012 edition, published by the International Code Council are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 10-32 of this article.

(b) Nothing in this article or in the International Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 10-32 of this article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. No. 2823, §§ 1, 4, 3-5-01; Ord. No. 06-52, § 2, 11-7-06; Ord. No. 12-19, § 2,
Sec. 10-32. Additions, insertions, deletions and changes.

Section 101.1 Title. Insert the "City of Macomb, Illinois" after the words "Fire Code of".

Section 103. Department of Fire Prevention: Delete this section in its entirety.

Section 104.1. General: Insert the following as the first line of the paragraph: "The Fire Chief of the City of Macomb, Illinois, or his designee, hereinafter referred to as the Code Official, shall enforce the provisions of this code.

Section 108. Board of Appeals: Delete this section in its entirety and insert the following: "The Building Commission of Appeals, as prescribed in Chapter 13, Article 2, Sections 41 through 55 of the Macomb Municipal Code, shall hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code."

Section 109.4. Violation Penalties: Insert the words "city ordinance violation" after the words "shall be guilty of a", and insert the words "seven hundred fifty dollars ($750.00) per day for each day the violation continues" after the words "a fine of not more than", and delete the words "or by imprisonment not exceeding (number of days), or both such fine and imprisonment." after the words "a fine of not more than (amount) dollars".

Section 111.4. Failure to Comply: Insert the words "twenty-five" in place of the word "(amount)" following the words "not less than", and insert the words "seven hundred fifty" in place of the word "(amount)" following the words "or more than".

Delete all references to the ICC Electrical Code throughout the Fire Code and insert in its place the 2011 NFPA National Electric Code, and delete all references to the International Plumbing Code throughout the Fire Code and insert in its place the 2004 Illinois State Plumbing Code, as amended.

Section 202 General Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have all the meanings shown herein.

Bonfire. An outdoor fire burning materials other than rubbish, grass clippings, and leaves utilized for ceremonial purposes.

Open burning. The burning of materials other than rubbish, grass clippings and leaves wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a
chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

*Powered industrial truck.* A forklift, tractor, platform lift truck or motorized hand truck powered by an electrical motor or internal combustion engine. Powered industrial trucks do not include farm vehicles or automotive vehicles for highway use.

*Recreational fire.* An outdoor fire burning materials other than rubbish, grass clippings and leaves where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Section 307.2 Permit required. A permit shall be obtained from the code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Open burning of twigs, branches or similar material collected upon the premises shall be permitted without a permit. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Section 903.2.8. Group R. Delete in its entirety; but not deleting subsections 903.2.8.1 and 903.2.8.2.

Appendix A. Board of Appeals: Delete this appendix in its entirety.

(Order No. 2823, § 2, 3-5-01; Ord. No. 2860, § 1, 3-18-02; Ord. No. 12-19, § 2, 4-2-12)

**Editor's note—**

Ord. No. 2823, § 2, adopted March 5, 2001, did not specifically amend this Code. Hence, inclusion of said ordinance provisions as superseding § 10-32 was at the discretion of the editor to read as herein set out. See the Code Comparative Table.

**Secs. 10-33—10-35. Reserved.**

**Editor's note—**

Ord. No. 2823, § 3, was treated as repealing §§ 10-33—10-35 in their entirety. Formerly said sections pertained to definitions, enforcement and conflicting provisions as they related to the former fire prevention code. See the Code Comparative Table.

**Sec. 10-36. Underground storage tanks.**

(a) Underground tanks for the storage of flammable liquids shall be set on firm foundations and surrounded with at least 12 inches of backfill. The backfill shall be as follows:

1. Steel tanks: Washed sand well-tamped in place.
2. Fiberglass tanks: Pea gravel type
material consisting of naturally rounded aggregate one-quarter-inch
nominal size, ranging from one-eighth-inch to three-quarter-inch
diameter, clean and free-flowing.

(b) No underground storage tank for gasoline or any highly
volatile fuels for motor vehicles or internal combustion engines shall be buried in
a residential district.

(Code 1972, § 10-29.1)

Sec. 10-37. Use of noncombustible materials in building construction.

(a) No wooden building shall be enlarged or repaired and
no new structure or building of any kind shall be erected or constructed within
the fire limits of the city without first obtaining permission from the city council.

(b) No wooden building shall be enlarged or repaired
within the area bounded by Calhoun Street, Jefferson Street, McArthur Street
and Campbell Street unless the roofs and outside surface of the building shall
be constructed of fireproof material; provided that any repairs or enlarging may
be modified from these requirements by permission of the city council upon the
filing of a proper petition therefor.

(c) It shall be unlawful to erect or construct any new
building or structure or portion thereof or addition thereto within the area
bounded on the east by Campbell Street, on the south by Jefferson Street, on
the west by McArthur Street and on the north by Adams Street and the
extension of the south line thereof eastward from Randolph Street to Campbell
Street, unless the exterior walls are constructed of brick, concrete, cinder or
concrete blocks or other noncombustible material and the roof is covered with or
constructed of nonflammable material, provided that this shall not operate to
prohibit the construction of temporary one-story buildings for the use of builders
during the construction of the fireproof structure. Wooden fences shall not be
over eight feet high and piazzas or balconies shall not exceed ten feet in width
or extend more than three feet above second-story floor jambs. Bay windows
when covered with noncombustible material, or small outhouses for use of
workmen during construction, shall not exceed 150 feet in area and eight feet in
height.

(d) The limitation contained in this section shall not be held
to apply to buildings which are wholly used for residential premises, nor shall
they apply to private garages appurtenant to dwellings.

(Code 1972, § 10-31)

Sec. 10-38. Power of fire chief to modify code; extent of modification; records.

The chief of the fire department shall have the power to modify any of the
provisions of the fire prevention code adopted by this article upon application in writing by the
owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of
carrying out the strict letter of the code, provided that the spirit of the code shall be observed,
public safety secured and substantial justice done. The particulars of such modifications, when granted or allowed, and the decision of the chief of the fire department thereon, shall be entered upon the records of the department, and a signed copy shall be furnished the applicant.

(Code 1972, § 10-32)

Sec. 10-39. Appeals from decision of fire chief.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted by this article do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the city council within 30 days from the date of the decision appealed.

(Code 1972, § 10-33; Ord. No. 2603, § 26, 1-3-94)

Sec. 10-40. New materials, processes or occupancies requiring permit.

The chief of the fire department shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the fire prevention code adopted in this article. The chief of the fire department shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. Any affected person may appeal from such order to the city council within 30 days from the date of the order.

(Code 1972, § 10-34; Ord. No. 2603, § 27, 1-3-94)

Sec. 10-41. Violations.

(a) Any person who shall violate any of the provisions of the code adopted by this article or who fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction within the time fixed in this article, shall severally, for each and every such violation and noncompliance respectively, be guilty of an offense punishable under section 1-8.

(b) The imposition of a penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(c) The application of the penalty provided in this section shall not be held to prevent the enforced removal of prohibited conditions.

(Code 1972, § 10-35)
Sec. 10-42. Fire alarms.

Any building that is required to have a standard fire alarm system due to its type of construction, type of occupancy, hazardous storage or any other occupancy pursuant to the requirements of any code or ordinance adopted by the city or state shall meet the following requirements:

(1) Such system shall be installed in a building for the purpose of notifying the occupants of the building of conditions due to fire or other causes which necessitate that the building be vacated immediately by the occupants, and the system shall automatically transmit the alarm to the municipal fire department fire alarm panel by direct private lines or through an approved central station. Such system and all equipment and devices used in the installation of such a system shall be tested by and bear the label of approval of a nationally recognized testing laboratory.

(2) A required fire alarm system shall be used only in connection with the municipal fire alarm system and shall be suitable for the service and well maintained. A system satisfactory to the authority having jurisdiction shall be considered as meeting this requirement.

(3) In case of trouble or periodic maintenance on a system, the owner or occupant shall notify the maintenance contractor and the fire department that the system is out of order. The owner or occupant shall also make repairs immediately as required by maintenance contract with the municipality having jurisdiction.

(Code 1972, § 10-36)

Sec. 10-43. Contracts for fire protection service outside corporate limits.

(a) The city is hereby authorized to enter into contracts with owners or occupants of noncontiguous commercial, industrial and residential property which lies outside the corporate limits of the city to furnish fire protection services, on the following terms and conditions:

(1) The charges for such services shall be based on the following formula: a charge of $35.00 per year per $10,000.00 assessed valuation. The minimum charge for such fire protection services shall be $35.00 per annum. The fee for a mobile home of a width of 16 feet or less outside of an RT district for such fire protection shall be $25.00 per annum. All fees for fire protection services shall be paid on or before January 1 of each year for fire protection services in that ensuing year.

(2) Such contracts may be entered into by the city attorney in accordance with the terms and conditions set out in this section. The entering into such contracts for furnishing fire protection services shall not be mandatory on the part of the city, and each request for such services shall be considered and granted only if the furnishing
of such services will not unreasonably endanger the fire protection services within the city.

(3) The city attorney is hereby authorized to negotiate for contracts to furnish fire protection services for other governmental agencies upon such terms and conditions as may be mutually agreeable.

(b) Reserved.

(c) For the purposes of determining assessed valuation, farmsteads will be assessed on current improvements and upon one acre of property upon which the farmstead is presently located.

(Code 1972, § 10-37; Ord. No. 2603, § 58(e), 1-3-94)

Fee for fire protection service outside city, § 10-85.

Secs. 10-44—10-60. Reserved.

DIVISION 2. RESERVED [2][43]

Secs. 10-61—10-80. Reserved.

Secs. 10-61—10-80. Reserved.

ARTICLE III. FIRE DEPARTMENT [3][44]

DIVISION 1. GENERALLY

Sec. 10-81. Established; composition; appointment of members.

Sec. 10-82. Eligibility of nonresidents.

Sec. 10-83. Duties of members.

Sec. 10-84. Authority to remove or demolish property.

Sec. 10-85. Authority to leave city; unauthorized departure; fees for service outside city.

Sec. 10-86. Reserved.

Sec. 10-87. Volunteer fire company.

Sec. 10-88. Authority to ban open burning.

Secs. 10-89—10-100. Reserved.

Sec. 10-81. Established; composition; appointment of members.

There is hereby created a fire department, which shall consist of a fire chief
and such other members as may be provided for by the city council from time to time. The members of the department shall be appointed by the board of fire and police commissioners in the manner provided by statute.

(Code 1972, § 10-59)

Sec. 10-82. Eligibility of nonresidents.

Persons residing outside the city but within the state are eligible to take the examination for appointment to the fire department.

(Code 1972, § 10-60)

Sec. 10-83. Duties of members.

It shall be the duty of all members of the fire department to attend all fires occurring in the city and to assist in fighting the fires, and they shall perform such other duties as may be required of them by ordinance or by the rules and regulations of the department.

(Code 1972, § 10-61)

Sec. 10-84. Authority to remove or demolish property.

The fire chief or firefighter in command at a fire shall have power to cut down and remove any building, erection or fence or direct the building, erection or fence to be cut down and removed for the purpose of checking the progress of any fire. He shall also have power to blow up or cause to be blown up with proper explosives any building or erection during the progress of any fire for the purpose of extinguishing or checking the fire.

(Code 1972, § 10-63)

Sec. 10-85. Authority to leave city; unauthorized departure; fees for service outside city.

(a) The chief of the fire department or, in his absence, the mayor, may in his discretion permit the fire department with its engines and apparatus and any volunteer firefighters to go beyond the limits of the city and be absent from the city such length of time as he shall direct, not to exceed 24 hours.

(b) Any officer in command who shall suffer or permit any engine or fire apparatus to be taken beyond the limits of the city without such permission shall be fined as provided in section 1-8 and shall also be liable for all injuries or damages to such engines or apparatus while outside of the city limits.

(c) Fire protection services rendered to owners of property lying outside the limits of the city shall be chargeable to the owners of such property at the rate of $100.00 for the first hour of such service, or any fraction thereof, and $100.00 per hour for the second and all subsequent hours of service.
Sec. 10-86. Reserved.

Editor's note—
Ord. No. 2603, § 58(e), adopted Jan. 3, 1994, repealed former § 10-86, which pertained to inspectors.

Sec. 10-87. Volunteer fire company.

There is hereby created a volunteer fire company, which shall consist of members appointed by the fire chief. Volunteer firefighters shall have the powers and duties required of them by ordinance and by the rules and regulations of the fire department. They shall be compensated as the city council may from time to time provide. No volunteer firefighter shall be considered a member of the department by virtue of his appointment. However, volunteer firefighters shall be subject to the authority of the fire chief as provided in section 10-102. The appointment of any member may be revoked at any time by the fire chief.

Sec. 10-88. Authority to ban open burning.

The fire chief, mayor or city council shall have the authority to declare an open burning ban if weather conditions make outside burning a hazard.

Secs. 10-89—10-100. Reserved.

DIVISION 2. FIRE CHIEF

Sec. 10-101. Office created; appointment; term of office; removal; position, rank when not reappointed.

Sec. 10-102. General authority.

Sec. 10-103. Custody of fire department equipment.

Sec. 10-104. Record of fires; annual report.

Sec. 10-105. Power to abate fire hazards; recovery of costs.

Secs. 10-106—10-120. Reserved.

Sec. 10-101. Office created; appointment; term of office; removal; position, rank when
not reappointed.

(a) There is hereby created the office of fire chief, who shall be the chief of the fire department.

(b) The fire chief shall be appointed by the mayor by and with the advice, consent and approval of the city council.

(c) The term of office of the fire chief shall be the same as that of the mayor, but he may be removed from office as provided by law.

(d) If a fire chief who has not been so removed is not reappointed to the office and he was a member of the fire department at the time of his original appointment, he may resume his position in the department at the same rank he held at the time of his appointment.

(Code 1972, § 10-72)

Sec. 10-102. General authority.

The fire chief shall have command over all members of the fire department while on duty. He shall possess full power and authority over the organization, government and discipline of the department, and to that end he may prescribe and establish from time to time such rules and regulations as he may deem advisable, subject to the approval of the mayor and city council.

(Code 1972, § 10-73; Ord. No. 2603, § 28, 1-3-94)

Sec. 10-103. Custody of fire department equipment.

The fire chief shall have the custody of the engines, hoses, trucks, ladders and all other property and equipment belonging to the fire department, and shall keep an inventory of the property and equipment.

(Code 1972, § 10-74)

Sec. 10-104. Record of fires; annual report.

(a) The fire chief shall keep an accurate and full record of all fires which have occurred within the city, the day and the hour, the cause, the owner's name, the amount of insurance and such other information as may be deemed of importance.

(b) At the end of each fiscal year the fire chief shall make a full report to the city council of all transactions in the department and of the condition of the department and the engines and equipment belonging thereto, and shall make such recommendations for the good of the department as he may deem advisable.

(Code 1972, § 10-75)

Sec. 10-105. Power to abate fire hazards; recovery of costs.
The chief of the fire department shall have the power to require all persons to correct, remove or abate any state of things caused, suffered or permitted by them which constitute a fire hazard in violation of the provisions of this chapter and, upon the failure to comply with such requirements, to correct and abate the hazard himself. All costs attending his action in such cases shall be recovered of the party so offending, and shall be added to any fine imposed against such person for violation of this chapter and made a part of the penalty.

(Code 1972, § 10-77)

Secs. 10-106—10-120. Reserved.

ARTICLE IV. EXPLOSIVES [4][45]

Sec. 10-121. Compliance with rules of state fire marshal.

Secs. 10-122—10-130. Reserved.

Sec. 10-121. Compliance with rules of state fire marshal.

All explosives must be kept or stored in accordance with the rules of the state fire marshal, subject to the provisions of this chapter.

(Code 1972, § 10-88)

Secs. 10-122—10-130. Reserved.

ARTICLE V. FIREWORKS, FIRECRACKERS, ETC.

Sec. 10-131. Possession, sale, etc., prohibited; exception.

Sec. 10-132. Discharge prohibited.

Secs. 10-133—10-150. Reserved.

Sec. 10-131. Possession, sale, etc., prohibited; exception.

It shall be unlawful for any person to possess, sell, keep, expose for sale, loan or give away any fireworks, firecrackers, torpedoes, bombs, squids, rockets, spinwheels, fire balloons, roman candles, detonating canes or ammunition therefor, or any substance or articles of any explosive nature designated or intended to be used as fireworks, anywhere in the city except as provided in this article.

(Ord. No. 2603, § 29, 1-3-94)

Sec. 10-132. Discharge prohibited.

It shall be unlawful for any person to discharge anywhere in the city any of the
articles enumerated in section 10-131 except for the discharge of fireworks or for pyrotechnical displays by the city, or Western Illinois University.

(Ord. No. 2603, § 30, 1-3-94)

Secs. 10-133—10-150. Reserved.

ARTICLE VI. HAZARDOUS SUBSTANCES

Sec. 10-151. Definitions.
Sec. 10-152. Response authority.
Sec. 10-153. Responsible parties.
Sec. 10-154. Supervision and verification.
Sec. 10-155. Nonexclusive remedy.
Sec. 10-156. Recovery of expenses.
Sec. 10-157. Conflict with state or federal law.

Sec. 10-151. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

Emergency action means all activities conducted in order to prevent or mitigate injury to human health or to the environment from a release or threatened release of any hazardous substance into or upon the environment.

Hazard [hazardous] substance means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable, combustible or which generates pressure through decomposition, heat or other means and which may cause substantial personal injury or illness during or as a proximate result of any customary or reasonably anticipated handling or use including reasonably foreseeable ingestion by children and also means any radioactive substance or any other substance or material which is designated or regulated as hazardous under any federal or state law or regulation.

Person means any individual, corporation, association, firm, trustee, or legal representation.

Recoverable expenses means, in general, expenses that are reasonable, necessary and allocable to the emergency action. Recoverable expenses shall not include normal expenditures that are incurred in the course of providing what are traditionally local services and responsibilities, such as routine firefighting. Expenses allowable for recovery may include, but are not limited to:

(1) Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the emergency action.
(2) Compensation of employees for the time and efforts devoted specifically to the emergency action.

(3) Rental or leasing of equipment used specifically for the emergency action (such as protective equipment or clothing, scientific and technical equipment).

(4) Replacement costs for equipment owned by the city that is contaminated beyond reuse or repair, if the equipment was a total loss and the loss occurred during the emergency action (such as self-contained breathing apparatus irretrievably contaminated during the response).

(5) Decontamination of equipment contaminated during the response.

(6) Special technical services specifically required for the response (such as costs associated with the time and efforts of technical experts or specialists not otherwise provided for by the city).

(7) Other special services specifically required for the emergency action.

(8) Laboratory costs of analyzing samples taken during the emergency action.

(9) Costs of cleanup, storage, or disposal of the released material.

(10) Costs associated with the services, supplies and equipment procured for a specific evacuation.

(11) Medical expenses incurred as a result of response activities.

(12) Legal expenses that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to this article.

Release means any spilling, leaking, pumping, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into or upon the environment, which causes damage to the public health or to the environment, including but not limited to, the release of any materials classified as hazardous by any federal law or regulation or any state law or regulation.

Threatened release means any imminent or impending event potentially causing but not resulting in a release, but causing the city to undertake emergency action.

(Ord. No. 2722, § 3, 4-21-97)

Sec. 10-152. Response authority.

The fire department is authorized to respond to any release or threatened release of a hazardous substance and to take appropriate emergency action. The fire chief or
his designated representative shall be in charge of the emergency action and the scene of the release until or unless relieved of that responsibility by appropriate federal or state response authorities, in which case, the fire chief shall still have supervisory authority as provided in section 10-154.

(Ord. No. 2722, § 4, 4-21-97)

Sec. 10-153. Responsible parties.

The following described persons shall be jointly liable to the city for the payment of all recoverable expenses incurred by the city as a result of any emergency action:

(1) Any person or persons whose negligent or willful act or omission proximately caused the release or threatened release;

(2) The person or persons who owned or had custody or control of the hazardous substance at the time of such release or threatened release, without regard to fault or proximate cause; and

(3) The person or persons who owned or had custody or control of the container which held the hazardous substance at the time of or immediately prior to such release or threatened release, without regard to fault or proximate cause.

(Ord. No. 2722, § 5, 4-21-97)

Sec. 10-154. Supervision and verification.

In the event that any person undertakes, either voluntarily or upon order of the fire chief or his designated representative, to clean up or abate the effects of any hazardous substance unlawfully released upon or onto any property or facility within the city, the fire chief may take such action as is necessary to supervise or verify the adequacy of the clean up or abatement. The persons described in section 10-153 shall be liable to the city for all recoverable expenses incurred as a result of such supervision or verification.

(Ord. No. 2722, § 6, 4-21-97)

Sec. 10-155. Nonexclusive remedy.

The remedies provided by this article shall be in addition to any other remedies or penalties provided by law.

(Ord. No. 2722, § 7, 4-21-97)

Sec. 10-156. Recovery of expenses.

(a) Itemization of recoverable expenses. City personnel and departments involved in an emergency action shall keep an itemized record of recoverable expenses resulting from the emergency action. Promptly after completion of an emergency action, all city departments involved in the emergency action shall certify their recoverable expenses to the city
Submission of claim. The city shall submit a written itemized claim for the total expenses incurred by the city for the emergency action to the responsible person or persons and a written notice that unless the amounts are paid in full within 30 days after the date of the mailing of the claim and notice, the city will file a civil action seeking recovery of the stated amount.

Civil suit. The city attorney may bring civil action for recovery of the recoverable expenses against any and all persons causing or responsible for the emergency action.

(Ord. No. 2722, § 8, 4-21-97)

Sec. 10-157. Conflict with state or federal law.

Nothing in this section shall be construed to conflict with state or federal laws requiring persons causing or responsible for releases or threatened releases from engaging in remedial action or paying the cost thereof or both.

(Ord. No. 2722, § 9, 4-21-97)

Chapter 11 GARBAGE AND TRASH

ARTICLE I. PROHIBITED ACTIONS

Sec. 11-1. Definitions.
Sec. 11-2. Accumulation of refuse.
Sec. 11-3. Uncovered garbage.
Sec. 11-4. Wind-blown refuse.
Sec. 11-5. Deposits on streets.
Sec. 11-6. Consent of owner.
Sec. 11-7. Disposal.
Sec. 11-8. Maintenance of business premises free of refuse.
Sec. 11-9. Disposal of refuse on business premises.
Sec. 11-10. Issue tickets for sections 11-2—11-9.
Sec. 11-11. Solid waste policy.
Sec. 11-12. Removal of solid waste from private property.
Sec. 11-13. Notice.
Sec. 11-14. Lien for cost of removal.
Sec. 11-15. Depositing of solid waste on private property and public rights-of-way as an offense.
Sec. 11-1. Definitions.

When used in this chapter the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

**Ashes** means the residue from fires used for cooking and heating buildings.

**Container** means any cart, container or other storage receptacle approved by the solid waste policy for the collection and storage of solid waste.

**Demolition materials** means the wastes resulting from the destruction or demolition of structures or buildings and includes materials such as concrete blocks, broken concrete, plastic, wire and wood lath, timbers and wood building products and other similar nonputrescible materials.

**Garbage** means wastes resulting from the handling, preparation, cooking, and consumption of food and wastes from the handling, storage and sale of produce.

**Landscape waste** or **yard waste** means all accumulations of grass or shrubbery cuttings, leaves, tree limbs, and other materials accumulated as a result of the care of lawns, shrubbery, vines, or trees.

**Mixed refuse** means any comation container of garbage and trash as normally collected in a container pick-up from residences or commercial establishments. This may include minor amounts of demolitions material or noncombustible refuse.

**Noncombustible refuse** means waste materials that are unburnable at ordinary incinerator temperatures, such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeper or to the operations of stores or offices.

**Rubbish** or **trash** means refuse accumulation of paper, excelsior, rag or wooden or paper boxes or containers, sweepings, and all other accumulations of a nature other than garbage which are usual to housekeeping and the operation of stores, offices and other business places, but not included noncombustible refuse.

**Solid waste** means ashes, demolitions materials, garbage, landscape waste, mixed refuse, noncombustible refuse and rubbish and trash.

**Waste hauler** means any person owning or controlling any vehicle used to convey or transport garbage, refuse or other forms of solid waste for pay or other compensation.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-2. Accumulation of refuse.

The accumulation of solid waste and other deleterious substances on the premises of private residences, commercial institutions and in the streets and alleys greatly
increases the danger of fire and the spread of infectious, contagious and epidemic diseases and is hereby declared to be a public nuisance subject to abatement as provided by ordinance and applicable law.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-3. Uncovered garbage.

It shall be unlawful to place or permit to remain anywhere in the city any garbage, or other material subject to decay other than leaves, grass, branches or wood, except in a tightly covered container.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-4. Wind-blown refuse.

It shall be unlawful to cause, or permit, to accumulate any dust, ashes, trash, or other material of such a nature that it can be blown away by the wind anywhere in the city except in a covered container.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-5. Deposits on streets.

It shall be unlawful to deposit, or to permit to fall from any vehicle, any solid waste on any street or alley in the city; providing that this section shall not be construed to prohibit placing solid waste in a container complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided by this chapter.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-6. Consent of owner.

It shall be unlawful to dump or place any solid waste on any premises in the city without the consent of the owner of the property.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-7. Disposal.

It shall be unlawful to dispose of any solid waste anywhere in the city except in a disposal device properly constructed and available for such purpose, or in a lawfully established sanitary landfill. Such material not so properly disposed of shall be placed in proper containers for collection in accordance with the provisions of this chapter.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-8. Maintenance of business premises free of refuse.

The owner, manager or occupant of any store or other place of business shall
keep its premises, and any adjoining public sidewalks, clean of refuse thereon or left on such premises by its employees, customers or passerby and prevent refuse drifting or blowing onto adjoining premises or public rights-of-way. Receptacles of sufficient size and number with lids or covers for deposit of refuse shall be placed on the premises.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-9. Disposal of refuse on business premises.

It shall be unlawful for any person, while upon the premises of a business, to dispose of refuse upon such premises except in receptacles provided for such purposes.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-10. Issue tickets for sections 11-2—11-9.

The chief of police, the community development coordinator, the public works director or any person authorized by the mayor and city council, shall be allowed to issue tickets for violations of the provisions of sections 11-2 through 11-9.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-11. Solid waste policy.

The city council shall establish a solid waste policy to administer the collection and disposal of the city solid waste program. Any modification of the policy will be approved by the city administrator.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-12. Removal of solid waste from private property.

In the event that any owner, occupant or other person permits the accumulation of any solid waste of other deleterious substances on any private property in violation of the provisions of this chapter or applicable law or fails to properly dispose of such solid waste or other deleterious substance after notice as provided in this article, then the city shall cause the removal of such solid waste or other deleterious substance and the reasonable cost of such removal shall be recoverable from the owner of such property and may be charged as a lien upon such property as provided in this article.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-13. Notice.

In the event any owner, occupant or other person permits any accumulation of solid waste or other deleterious substance on any private property anywhere within the city and prior to removal of such solid waste or other deleterious substance by the city, pursuant to section 11-12, the owner of the property shall be given seven days’ notice by certified or registered mail or by personal service to properly dispose of such solid waste or other deleterious substance. Such notice shall state that in the event the owner fails to properly
dispose of such solid waste or other deleterious substance that the city will order the removal and dispose of such material and charge the reasonable cost thereof against the owner. The notice shall further describe the nature and location of the solid waste or other deleterious substance which is the subject of the notice and shall state that the city may charge the reasonable cost of removal against the property.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-14. Lien for cost of removal.

Upon the removal of any accumulation of solid waste or other deleterious substance by the city as provided in section 11-12, a notice of lien shall be filed in the office of the recorder of deeds of McDonough County, Illinois, unless the reasonable cost of such removal has been paid by or on behalf of the owner of the property. The notice of lien shall be a sworn statement setting forth the following information:

1. A description of the real estate sufficient for identification thereof;
2. The amount of money representing the cost or expense incurred or payable for the removal;
3. The date or dates when the cost or expense was incurred.

The notice of lien shall be recorded within 60 days after the cost or expense of removal is incurred. The lien shall be released upon the payment of the cost or expense.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-15. Depositing of solid waste on private property and public rights-of-way as an offense.

(a) It shall be unlawful for any owner, occupant, person in control or other person to permit the accumulation of any solid waste, refuse or other deleterious substances on any private property or public right-of-way for a period in excess of 24 hours, at which time the city may cause the removal of such solid waste or other deleterious substance and a citation for violation of this chapter may be issued.

(b) The penalty for a violation of this section shall be a fine of not less than $200.00 nor more than $750.00.

(Ord. No. 12-40, § 2, 8-6-12)

Secs. 11-16—11-20. Reserved.

ARTICLE II. SOLID WASTE COLLECTION

Sec. 11-21. Collection of solid waste.

Sec. 11-22. Method of residential pickup.
Sec. 11-21. Collection of solid waste.

Collection of solid waste within the city shall be provided as follows:

(1) **Residences.** Every single-family residence, apartment, or other residential unit within the city shall be provided mixed refuse collection through contract or other arrangements made by the city and such service shall be billed as provided in this article.

(2) **Commercial.** Every mobile home park, apartment building with three or more units, business, commercial or industrial owner or operator within the city shall be responsible to arrange for solid waste collection with a waste hauler of their choice.

(3) **Special waste.** Any person who must dispose of any hazardous waste, noncombustible refuse or other refuse which is not subject to normal collection shall dispose, or cause the disposal, of such material in accordance with applicable law.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-22. Method of residential pickup.

Residential mixed refuse pickup shall be provided once per week at the curb or alley. The city shall be divided into collection routes and collection days shall be assigned to such routes in the manner that the city council shall designate.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-23. Residential containers.

All mixed refuse set out for residential collection shall be in containers approved in the solid waste policy. Containers shall be placed at the curb or alley for collection on any collection day.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-24. Placement for residential collection.
On the day that collection is scheduled for any residential unit, or not earlier than 6:00 p.m. of the night before the collection is scheduled, the owner or occupant of the residential unit shall place all mixed refuse to be collected at the curb or alley as provided in this article. Any containers shall be removed from the curb or alley not later than 6:00 p.m. on the day of collection. Containers may not be stored in the front yard of a property. Containers may be stored in either an enclosed area, or in the side yard next to the primary building or in the rear yard next to the primary building. Any property that does not have a side yard may place the container adjacent to the front of the building at the furthest point from the primary front entrance.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-25. Certain matter not to be placed for collection.

Hazardous waste, demolition materials, and noncombustible refuse shall not be put into any bag or container and set out for regular collection. The city council may designate special days or times for collection of such materials.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-26. Tampering prohibited.

No person shall tamper with any plastic bag or container containing any mixed refuse or other materials which has been placed for collection. No owner of any dog shall permit such dog to damage or open any plastic bag or container anywhere in the city. It shall be the responsibility of the dog owner to control the action of the dog.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-27. Charges for residential collection.

The city shall charge and bill residential customers for refuse collection as follows:

(1) Charges for residential solid waste collection and recycling service shall be as designated in the city fee schedule.

(2) Residents who are also water users shall receive their solid waste collection charges as part of their monthly water bill. Said solid waste collection charges shall be charged as long as water service is turned on to the subject residential dwelling unit.

(3) Residents who are not also water users shall be billed by separate billing for solid waste collection charges.

(4) Charges shall be billed and collected monthly. Late charges shall be the same as those applied to water users.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

The chief of police, the community development coordinator, public works
director or any person authorized by the mayor and city council, shall be allowed to issue
tickets for violations of the provisions of sections 11-23 through 11-26.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Secs. 11-29—11-30. Reserved.

ARTICLE III. LANDSCAPE WASTE

Sec. 11-31. Prohibited disposal.

Sec. 11-32. Permitted disposal.

Sec. 11-33. Landscape waste fees and charges.

Secs. 11-34—11-40. Reserved.

Sec. 11-31. Prohibited disposal.

No person shall:

(1) Mix or permit the mixing of landscape with solid waste for collection and disposal anywhere within the city.

(2) Deposit landscape waste at any authorized landscape waste or compost site while the site is closed.

(3) Deposit any landscape waste in or upon any public street or other public property.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-32. Permitted disposal.

It shall be lawful to:

(1) Deposit landscape waste at any authorized city landscape waste collection site or at any other authorized landscape waste or composite collection site when such site is open. Landscape waste brought to an authorized city landscape waste collection site shall be accepted in accordance with the rules and regulations established by the city council.

(2) Deposit landscape waste at curbside to be collected at any time designated for such collection by the city council. All landscape waste placed at curbside for collection must be segregated from all other waste and placed in paper yard waste bags of not greater than five cubic feet in size and securely fastened or in cans of 40 gallons or less. Tree limbs, shrubbery cuttings and other similar types of organic materials must be tied into bundles. These bundles shall be in length no longer than four feet nor shall they be greater than three feet in diameter. The mayor is hereby authorized to
temporarily modify said collection requirements when deemed necessary to respond to extensive tree damages resulting from wind, snow or ice storms.

(3) Compost landscape waste upon the real estate where it originated, in a manner not creating a nuisance.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-33. Landscape waste fees and charges.

All charges for curbside landscape waste collection and/or for disposal of landscape waste at the city’s yard waste center shall be established by formal action of the city council and set forth in the city fee schedule.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Secs. 11-34—11-40. Reserved.

ARTICLE IV. RECYCLING

Sec. 11-41. Establishment of residential curbside recycling program.

Sec. 11-42. Recycling refuse.

Sec. 11-43. Preparation of recyclables.

Sec. 11-44. Collection.

Sec. 11-45. Tampering.

Sec. 11-46. Ownership of recyclable refuse.

Sec. 11-47. Donation to others.

Sec. 11-41. Establishment of residential curbside recycling program.

The city hereby established a voluntary residential curbside recycling program to provide for sound ecological use of our natural resources.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-42. Recycling refuse.

The following material shall be recyclable refuse for the purpose of the city residential curbside recycling program:

(1) Glass: All clear, green or brown glass.

(2) Metals: Aluminum, tin and bi-metal.

(3) Plastic: All items made of polyethylene terephthalate (designated as PET or PETE and Code 1) or high density polyethylene (designated as HDPE and Code 2).
Sec. 11-43. Preparation of recyclables.

The following procedures shall be followed in preparing recyclable refuse for collection:

(1) Plastic caps and rings shall be removed.
(2) Glass should not be broken and window door and auto glass is not recyclable.
(3) Containers should be rinsed.
(4) Paper must be kept dry and separate from the other recyclables in the container.
(5) Any cardboard placed for collection shall be flattened and broken down into pieces not longer than 60 inches in length and ties into bundles.
(6) All recyclable refuse shall be separated from other solid waste and placed in the recycling container provided by the city to each homeowner.
(7) One approved recycling container shall be provided to the residence owner when this program starts. Any additional or replacement recycling containers must be acquired by the residence owner or occupant as set forth in the solid waste policy.

Sec. 11-44. Collection.

(1) Recyclable refuse shall be placed at the curb or alley for collection. Collection shall be on the same day as solid waste collection. Collection shall be weekly.
(2) Apartment buildings, multiple family units, businesses and mobile home parks are not part or our recycling program and must make private arrangements.
(3) One recycling container will be provided at no charge to individual garbage customers. An additional charge, as designated in the city
fee schedule, will be assessed for each additional container.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-45. Tampering.

No person shall tamper with any recyclable refuse placed for collection. Only and authorized collector shall remove recyclable refuse from the curb or alley.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-46. Ownership of recyclable refuse.

Upon collection of recyclable refuse by any authorized agents of the city, such recyclable refuse shall become the property of the city or its agent.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Sec. 11-47. Donation to others.

Nothing in this article is intended to prevent any person from donating or selling recyclable refuse to any person, club, business, civic organization, charitable organization or any other organization.

(Ord. No. 08-08, § 2(Exh. A), 2-20-08)

Chapter 12 HEALTH [1](47)

ARTICLE I. IN GENERAL

Secs. 12-1—12-20. Reserved.

Secs. 12-1—12-20. Reserved.

ARTICLE II. RESERVED [2](48)

Secs. 12-21—12-29. Reserved.

Secs. 12-21—12-29. Reserved.

Chapter 13 HOUSING [1](49)

ARTICLE I. IN GENERAL

Sec. 13-1. Reserved.

Sec. 13-1. Reserved.

Editor's note—
Ord. No. 2625, § 4, adopted June 20, 1994, repealed former § 13-1, which pertained to registration of landlords.


ARTICLE II. HOUSING CODE [2] (50)

DIVISION 1. RESERVED [3] (51)


DIVISION 2. HOUSING BOARD OF APPEALS [4] (52)
Sec. 13-41. Established; composition; appointment.
Sec. 13-42. Term of office.
Sec. 13-43. Qualifications of members.
Sec. 13-44. Election of chairman; rules of procedure.
Sec. 13-45. Right of appeal.
Sec. 13-46. Time within which appeal must be taken; filing of notice of appeal.
Sec. 13-47. Building official to transmit appropriate papers to board.
Sec. 13-49. Decisions to be reached without delay.
Sec. 13-50. Decisions to be in writing; contents.
Sec. 13-51. Filing of decision with housing director; copy to be sent to appellant.
Sec. 13-52. Proceedings to be public records.
Sec. 13-53. Action by building inspector following decision on appeal.
Sec. 13-54. Extension of time for compliance with decision.
Sec. 13-55. Review of decisions by council.
Sec. 13-41. Established; composition; appointment.

There is hereby established a housing board of appeals, consisting of seven members as follows: two rental property owners, one fire department representative, one health department representative, one neighborhood or community representative, one tenant and one craftsman to be appointed by the mayor with the advice and consent of the city council.

(Code 1972, § 13-22; Ord. No. 2625, § 27, 6-20-94)

Sec. 13-42. Term of office.

The members of the housing board of appeals shall be anointed for a term of four years’ duration, with four and three members appointed every second year. The initial appointment shall be made for three members for a term of four years and four members for a term of two years.

(Code 1972, § 13-23; Ord. No. 2625, § 28, 6-20-94)

Sec. 13-43. Qualifications of members.

One member of the housing board of appeals shall at all times be a professionally trained person familiar with building structures and one of the members of the board shall at all times be a professionally trained person familiar with sanitation and health problems, which person shall be first approved by the county board of health.

(Code 1972, § 13-24)

Sec. 13-44. Election of chairman; rules of procedure.

The housing board of appeals shall elect its chairman annually, and shall establish rules for the conduct of its meetings not inconsistent with the provisions of this division.

(Code 1972, § 13-25)

Sec. 13-45. Right of appeal.

Any person aggrieved may take an appeal to the housing board of appeals from any decision or notice given by the rental housing inspector or other appropriate official issued pursuant to the provisions of this article.

(Code 1972, § 13-26; Ord. No. 2625, § 29, 6-20-94)

Sec. 13-46. Time within which appeal must be taken; filing of notice of appeal.

An appeal may be taken pursuant to this division 30 days from the date of the decision appealed from, by filing with the office of building and zoning and with the housing board of appeals a notice of appeal, specifying the grounds thereof.
Sec. 13-47. Building official to transmit appropriate papers to board.

The rental housing inspector or other appropriate official shall, when an appeal has been filed pursuant to this division, forthwith transmit to the housing board of appeals, all the papers upon which the action appeal from was taken.


The housing board of appeals, when appealed to under the terms of this division and after a public hearing, may vary the application of any provision of this article to any case when, in its opinion, the enforcement thereof would result in practical difficulty or unnecessary hardship; provided, that the spirit of this article will be observed, public health and welfare secured and substantial justice done. All decisions shall require an affirmative vote of four members of the board.

Sec. 13-49. Decisions to be reached without delay.

The housing board of appeals shall, in every appeal brought before it, hold a hearing and reach a decision without unreasonable or unnecessary delay.

Sec. 13-50. Decisions to be in writing; contents.

A decision of the housing board of appeals to vary the application of any provision of this article, or to modify an order of the rental housing inspector or other appropriate official, shall be in writing, and shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefor.

Sec. 13-51. Filing of decision with housing director; copy to be sent to appellant.

Every decision of the housing board shall be promptly filed in the office of building and zoning. A copy of the decision shall be sent by mail or otherwise to the person appealing.

Sec. 13-52. Proceedings to be public records.

The proceedings at the hearings held pursuant to this division, including the findings and decision of the housing board of appeals and the reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the official of
building and zoning. The record shall also include a copy of every notice and order issued in connection with the matter.

(Code 1972, § 13-33; Ord. No. 2625, § 35, 6-20-94)

Sec. 13-53. Action by building inspector following decision on appeal.

If a decision of the housing board of appeals reverses the order of the rental housing inspector or other appropriate official, such official shall take action immediately in accordance with such decision.

(Code 1972, § 13-34; Ord. No. 2625, § 36, 6-20-94)

Sec. 13-54. Extension of time for compliance with decision.

The housing board of appeals may extend for a reasonable period time specified for compliance with its decision where conditions exist which would create a hardship, and if the extension would not create or continue a health hazard to surrounding territory.

(Code 1972, § 13-35)

Sec. 13-55. Review of decisions by council.

Any person aggrieved by a decision of the housing board of appeals may, within ten days of the receipt of notice of such decision, file a request in writing with the office of building and zoning that such office transmit a copy of the board's findings and decision to the city council, which the office of building and zoning shall do forthwith. The report shall act as the recommendation of the board to the city council, and the city council may concur with, reject or modify such recommendation. If no written notice is filed with the office of building and zoning within the time specified in this section, the decision of the housing board of appeals shall be final.

(Code 1972, § 13-36; Ord. No. 2625, § 36, 6-20-94)


DIVISION 3. RENTAL HOUSING

Sec. 13-71. Definitions.
Sec. 13-72. Registration requirements.
Sec. 13-73. Manner of registering.
Sec. 13-74. Transfer of property.
Sec. 13-75. Registration fee.
Sec. 13-76. Rental housing inspector.
Sec. 13-77. Maintenance of records.
Sec. 13-78. Inspection.
Sec. 13-79. Frequency of inspections.
Sec. 13-80. Refusal to permit inspection.
Sec. 13-81. Inspection certificate required.
Sec. 13-82. Inspection procedure.
Sec. 13-83. Request for inspection.
Sec. 13-84. Certificate expiration.
Sec. 13-86. Certificate availability.
Sec. 13-87. Suspension or revocation of certification.
Sec. 13-88. Appeal process.
Sec. 13-89. Other actions.
Sec. 13-90. Reserved.

Sec. 13-71. Definitions.

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

*Dwelling unit* means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Dwellings* shall include all of the following:

(1) *Single-family dwelling* means a building containing one dwelling unit.

(2) *Two-family dwelling (duplex)* means a building containing two dwelling units.

(3) *Multifamily dwelling* means a building containing more than two dwelling units.

(4) *Boarding house, rooming house, lodging house* and *tourist house* means a building arranged or used for the lodging, with or without meals, for compensation, by individuals who are not members of the family.

(5) *Fraternity or sorority house* means a building arranged and use for lodging and meals by individuals who are members of a recognized fraternity or sorority organization.
**Permanent resident** means any person who occupies or has the right to occupy any dwelling unit or rooming unit for at least 30 consecutive days.

**Person** means any individual, firm, partnership, association, limited liability company, joint stock company, joint venture, public or private corporation, business trust, land trust, or receiver, executor, trustee, guardian or other representative appointed by order of any court.

**Premises** means a lot, plot or parcel of land including the buildings and structures thereon.

**Rooming unit** means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

(Ord. No. 2625, § 8, 6-20-94)

**Sec. 13-72. Registration requirements.**

(a) No person, except the owner of the premises, shall hereafter occupy any dwelling within the city without registering the same with the city as provided in this section. No person shall allow to be occupied or let to another person any dwelling or rooming unit within the city without registering such unit as provided in this section. Registration statements shall be filed with the city's office of building and zoning and shall be on forms furnished for that purpose. The registration statement shall specifically require the minimum following information:

1. Name, address and phone number of the property owner.
2. Name, address and phone number of the designated local property manager if the owner lives more than 50 miles from Macomb.
3. The street address of the property.
4. The number and types of units located on the property.
5. The maximum number of occupants permitted in each dwelling or rooming unit.
6. The name, address and phone number of the person authorized to make or order repairs or services for the property, if in violation of city or state codes, if the person is different than the owner or local manager.

(b) Every owner of a dwelling who rents such dwelling, or part thereof, to other persons and who does not live within 50 miles of Macomb shall designate a local property manager or local agent when registering such dwelling under this section.

(c) Commencing July 1, 1998 every dwelling or rooming
unit which is registered with the city for the first time under this division shall be inspected within 30 days after such registration and shall meet all the requirements of the city property maintenance code.

(Ord. No. 2625, § 9, 6-20-94; Ord. No. 2763, § 1, 6-15-98)

Sec. 13-73. Manner of registering.

Every owner shall register each dwelling unit annually. Registration shall occur between September 1 and December 31 of each year. Registration shall be filed with the office of building and zoning of the city by the property owner or local property manager.

(Ord. No. 2625, § 10, 6-20-94; Ord. No. 2700, § 1, 5-21-96)

Sec. 13-74. Transfer of property.

(a) For any property subject to the article, within 30 days after any transfer of ownership or execution of a contract to purchase which requires the contract purchaser to assume the obligations of an owner, the new owner or contract purchaser shall file an amended registration statement with the office of building and zoning of the city.

(b) The registration requirements of this article shall not apply to the owner of any single-family residence occupied by such owner which has been listed or advertised for sale and which is rented by such owner while seeking a purchaser for such premises or pending the closing of a sale for such premises; provided however, that no such rental of the premises shall be for more than 12 months.

(Ord. No. 2625, § 11, 6-20-94)

Sec. 13-75. Registration fee.

(a) Every owner shall pay an annual registration fee of $22.00 for every property required to be registered under this article.

(b) Every owner of a fraternity/sorority house shall pay an annual registration of $40.00 effective January 1, 2009.

(c) The following premises are exempted from the payment of the fee provided in subsection (a):

(1) Owner-occupied single-family dwellings.

(2) Nursing home facilities properly licensed as such by the state.

(3) Hotels, motels, bed and breakfast establishments and other facilities that do not rent to permanent residents.

(d) Every owner who fails to register every property
required to be registered pursuant to section 13-72 on or before December 31, of each year shall pay a late fee of $75.00 per unit if such property is registered by January 31 and a late fee of $150.00 per unit if the property is registered after January 31.

(e) Failure to register a property for any calendar year shall be evidence that the owner has abandoned any and all existing legal nonconformities for such property and said property shall thereafter be considered a newly established rental property under all applicable sections of the Municipal Code.

(f) If a new rental is registered after July 1, the owner shall pay only half of the registration fee for the remaining calendar year.

(g) If an owner or rental representative fails to show up for a scheduled inspection without at least 24-hour prior notice or valid mitigating circumstances, rental registration fees shall be doubled.

(h) If current landlord/owner fails to register a new rental property/unit within 30 days of assuming ownership, the owner shall be fined no less than $250.00 and nor more than $750.00 per unit.

(i) If a first time landlord/owner fails to register a new rental property/unit within 30 days of assuming ownership, the owner shall be fined $50.00 per unit.

Sec. 13-76. Rental housing inspector.

There is hereby created the position of rental housing inspector. The duties of the rental housing inspector shall be to administer this article and perform such other duties as the city council may designate. The salary, hours and other terms and conditions of the rental housing inspector's employment shall be fixed by the city council.

Sec. 13-77. Maintenance of records.

All records, files, and documents related to or required by this article shall be maintained by the office of building and zoning and made available to the public as allowed or required by state law or city ordinance.

Sec. 13-78. Inspection.

Commencing on July 1, 2001, every dwelling which rents to permanent residents shall be inspected systematically for compliance with this article and all other applicable laws.
(b) The provisions of this section shall not apply to:

1. Owner-occupied single-family dwellings.

2. Dwellings, buildings or structures owned and operated by a nursing home facility property licensed by the state.

3. Dwellings, buildings or structures licensed and inspected by the state or federal governmental or other local governmental agency, provided that the inspection is based upon criteria at least as strict as required hereunder and further provided that a copy of the inspection report is filed with the office of building and zoning.

4. Hotels, motels, bed and breakfast establishments and similar facilities that do not rent to permanent residents.

(c) When a nonresidential business or activity, or a state or federally licensed and inspected use occupies a portion of a building or premises which would otherwise be subject to this section, the provisions of this section shall be applicable to the residential and common or public areas of such building or premises.

(d) Commencing on March 1, 1999, and annually thereafter, a meeting shall be held at the direction of the city's community development coordinator. The community development coordinator shall request the rental housing inspector, representative of the Western Illinois Student Tenant Union, the Director of Student Legal Services at Western Illinois University, interested landlords and other interested persons to attend. The meeting shall be for the purpose of determining if progress is being made in accomplishing the objectives of this division and problems, concerns, improvements and any other relevant issue may be discussed. The community development coordinator shall be in charge of the meeting and shall prepare a report of the outcome of the meeting which shall be presented to the city council no later than the first regular meeting in May of each year.

(e) On February 1, 1995, or such other date as the city council may designate, and annually thereafter, the city council shall review the effectiveness of the program established under this article and determine if such program shall continue for another year.

(Ord. No. 2625, § 15, 6-20-94; Ord. No. 2698, § 1, 4-16-96; Ord. No. 2763, § 2, 6-15-98)

Sec. 13-79. Frequency of inspections.

(a) Prior to the effective date of section 13-78, inspections shall be made on the basis of complaints received by the city. Except in cases...
where the public health or safety may be threatened, whenever a complaint is received, the city will provide 48 hours' notice to the owner and any local property manager of an inspection to be made as a result of such complaint. In cases where the public health or safety allegedly is threatened, reasonable attempt shall be made to contact the owner or local property manager prior to the inspection.

(b) Commencing as provided in section 13-78, all dwellings subject to this article shall be inspected at a minimum of once every three years. Notice of the date of the inspection shall be given to the owner and local property manager, if any, at least 15 days prior to the date of the inspection in writing.

(c) Neither the common areas nor the dwelling or rooming units in structures newly constructed shall be further inspected after the completion and issuance of a certificate of occupancy for a period of three years from the date of said certificate, unless a complaint is received concerning such premises. Thereafter such premises shall be inspected in accordance with the requirements of this article.

(d) Nothing in this section shall preclude the inspection of any premises subject to this article more frequently than every three years.

(e) Fraternity and sorority houses shall be inspected twice each calendar year.

(Ord. No. 08-07, § 3, 2-20-08)

Sec. 13-80. Refusal to permit inspection.

(a) Where the tenant in an occupied dwelling, or, in the case of an unoccupied dwelling, the owner refuses to consent to the entry and inspection of a dwelling as provided in this division, no entry or inspection shall be made without the inspector obtaining an inspection warrant from a court of competent jurisdiction.

(b) An application for an administrative inspection warrant may be made for any appropriate reason including but not limited to:

(1) The inspector has reason to believe, based upon a complaint or other source of information, that a code violation exists in the dwelling sought to be inspected.

(2) Prevailing conditions in the general area within which the premises are located warrants inspection of the dwelling.

(3) The expiration of the three-year period referred to in section 13-79 is approaching and reinspection is, therefore, required in order to effectuate the rental housing inspection plan provided in this division.
A dwelling is being rented, let, or let for occupancy, as described in section 13-81, and the owner does not have a valid, current certificate of inspection for that dwelling.

(Ord. No. 2682, § 1, 11-6-95)

Editor's note—


Sec. 13-81. Inspection certificate required.

(a) No person shall rent, let, or let for occupancy, any dwelling subject to this division without having a valid, current certificate of inspection for that dwelling.

(b) For initial inspections conducted after July 1, 2001, proof of registration of a dwelling unit under this article shall constitute an initial certificate of inspection and shall authorize the owner to rent such dwelling unit until the initial inspection is performed pursuant to section 13-78.

(Ord. No. 2625, § 17, 6-20-94; Ord. No. 2682, § 2, 11-6-95; Ord. No. 2763, § 3, 6-15-98)

See the editor's note following § 13-80.

Sec. 13-82. Inspection procedure.

(a) If, upon completion of the triennial inspection, the premises are found to be in compliance with all applicable city codes and ordinances and other applicable laws, the proper registration statement is on file with the city and the appropriate registration fee has been paid to the city, the city shall issue a certificate of inspection for the premises.

(b) If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances or other applicable laws, the city shall provide written notice to such violations to the owner and to the local property manager and shall set a reinspection date before which such violations shall be corrected. If such violations have been corrected within that period, the city shall issue a certificate of inspection for the premises. If such violations have not been corrected within that period, the city shall not issue the certificate of inspection and may take any action necessary to enforce compliance with applicable city codes and ordinances. During the period between the initial inspection and the reinspection of the premises, the owner may continue to rent such premises unless the violations are so serious as to threaten the health or safety of the occupants.

(Ord. No. 2625, § 18, 6-20-94; Ord. No. 2682, § 2, 11-6-95)

See the editor's note following § 13-80.
Sec. 13-83. Request for inspection.

The owner of any dwelling subject to this division may request inspections of such dwelling at any time.

(Ord. No. 2625, § 19, 6-20-94; Ord. No. 2682, § 2, 11-6-95)

See the editor's note following § 13-80.

Sec. 13-84. Certificate expiration.

(a) The certificate of inspection issued pursuant to this division shall expire three years from the date of triennial inspection; provided however, that if a reinspection of the premises has not been completed prior to the expiration of the certificate of inspection, the dwelling covered by the certificate may continue to be rented and occupied until the reinspection is completed and a new certificate of inspection is either issued or denied.

(b) The certificate of inspection shall have the expiration date prominently displayed on its face.

(Ord. No. 2625, § 20, 6-20-94; Ord. No. 2682, § 2, 11-6-95)

See the editor's note following § 13-80.


A certificate of inspection issued pursuant to this division shall be transferable to succeeding owners; provided, that the new owner shall register the premises as required by this division. The failure to properly register the premises as required by this division may result in the suspension or revocation of the certificate of inspection.

(Ord. No. 2625, § 21, 6-20-94; Ord. No. 2682, § 2, 11-6-95)

See the editor's note following § 13-80.

Sec. 13-86. Certificate availability.

Upon the request of an existing or prospective tenant, the owner or owner's agent shall produce the certificate of inspection.

(Ord. No. 2625, § 22, 6-20-94; Ord. No. 2682, § 2, 11-6-95)

See the editor's note following § 13-80.

Sec. 13-87. Suspension or revocation of certification.

If the rental housing inspector or his designee determines that any person has failed to comply with this division or any applicable city code or ordinance, he may suspend or revoke the certificate of inspection.

(Ord. No. 2625, § 23, 6-20-94; Ord. No. 2682, § 2, 11-6-95)
Sec. 13-88. Appeal process.

Any owner or other person aggrieved by any action taken by the city pursuant to this division or any applicable city code or ordinance, may request a review by or may make an appeal to the housing board of appeals. Upon receipt of the request or appeal, the housing board of appeals shall hear and consider the matter. An appeal must be taken within ten days from the city's action and shall be in writing addressed to the housing board of appeals. The owners shall have the right to appeal and be represented by counsel. The hearing shall be held within 45 days after a request is received by the board. The housing board of appeals, after due and proper hearing, shall issue its order of decision and the decision may be further appealed in the manner provided by this article and state law.

(Ord. No. 2625, § 24, 6-20-94; Ord. No. 2682, § 2, 11-6-95)

Sec. 13-89. Other actions.

Nothing in this division shall prevent the city from taking action under any applicable city code or ordinance for any violation thereof or limit the right or authority of the city to seek injunctive relief or other applicable legal remedy for any violation of such code or ordinance.

(Ord. No. 2625, § 25, 6-20-94; Ord. No. 2682, § 2, 11-6-95)

Sec. 13-90. Reserved.

ARTICLE III. EQUAL OPPORTUNITY [5](53)

DIVISION 1. GENERALLY

Sec. 13-91. Declaration of policy.


Sec. 13-93. Unlawful employment practices.

Sec. 13-94. Unlawful real estate practice.

Secs. 13-95—13-110. Reserved.

Sec. 13-91. Declaration of policy.

It is the desire of the city council to foster and encourage the growth and development of the city in a manner that will assure to all persons equal opportunity to live and
work free of discrimination imposed because of race, creed, color, sex, religion, national origin, ancestry or physical or mental handicap. The city government shall direct its efforts and resources toward eliminating any discriminatory practices within the city in the areas of housing, employment, city services and programs, law enforcement and public accommodation.

(Code 1972, § 13-47; Ord. No. 2625, § 7, 6-20-94)


The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chair means the person designated to conduct the sessions of the commission.

Commission means the equal opportunity and housing commission of the city.

Commission panel or panel means a panel composed of three or more members of the commission designated by the chair of the commission to investigate and to attempt to conciliate a complaint filed or made under section 13-115.

Complainant means a person who believes that he has been aggrieved by a violation of a provision of this article and who files a complaint with the commission or officer.

Contractor means persons who contract with the city in a total amount of $2,500.00 or more for any single contract in the current or preceding fiscal year.

Discriminate and discrimination include any difference in treatment based on race, color, religion, sex, ancestry, national origin, place of birth or physical or mental handicap which would not interfere with the efficient performance of the job in question.

Employ means to use or be entitled to the use and benefit of the services of a person as an employee.

Employee includes any and all persons who perform services for any employer for compensation, whether in the form of wages, salary, commission or otherwise, excluding the parents, spouse or children of the employer.

Employer includes any person within the city who hires or employs any employee, and any person wherever situated who hires or employs any employee whose services are to be partially or wholly performed in the city, but excluding any religious or fraternal corporation, association, society or organization with respect to the hiring or employment of individuals from its membership when such membership shall be a bona fide occupational qualification for employment, provided such selection is not based on race, color, sex, ancestry, religion, national origin, creed or physical or mental handicap.

Employment means the state of being employed as an employee by an employer, but excluding the employment of individuals in domestic service.

Employment agency means any person regularly undertaking, with or without
compensation, to procure employment for an employer or to procure for employees opportunities to work for an employer.

**Hire** means to engage or contract for or attempt to engage or contract for the services of any person as an employee.

**Labor organization** includes any person, employee, representation committee, organization or plan in which employees participate, and which exists wholly or in part for the purpose of collective bargaining or of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours or other terms or conditions of employment or of other mutual aid or protection in relation to employment, and shall include without limitation any conference, general committee, joint board or joint council.

**Lease** includes sublease, assignment and rental, and includes any contract to do any of such acts.

**Lending institution** means any bank, insurance company or savings and loan association or any other person in the business of lending money or guaranteeing loans, any person in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker, and any person in the business of buying or selling loans or instruments for the payment of money which are secured by title to or a security interest in real estate.

**National origin** includes the national origin of an ancestor.

**Owner** means any person who holds legal or equitable title to or owns any beneficial interest in any real property, or who holds legal or equitable title to shares of or holds any beneficial interest in any real estate cooperative which owns any real property.

**Person** includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, agents, mutual companies, joint stock companies, trusts, unincorporated organizations, public bodies or public corporations, including but not limited to the city or any department or unit thereof.

**Purchase** means any contract to purchase.

**Real estate agent** means any real estate broker, any real estate salesperson and any other person who, as an employee or agent or otherwise, engages in the management or operation of any real property.

**Real estate broker** means any person licensed as a real estate broker in accordance with the provisions of Ill. Rev. Stat. ch. 114½, or required thereby to be so licensed.

**Real estate salesperson** means any person licensed as a real estate salesperson in accordance with the provisions of Ill. Rev. Stat. ch. 114½, or required thereby to be so licensed.

**Real estate transaction** means the purchase, sale, exchange, rental or lease of any real property, or an option to do any of such acts.

**Real property** means any real estate, vacant land, building or structure within the city limits.

**Respondent** means a person charged with a violation of a provision of this
Sale includes any contract to sell or exchange or to convey, transfer or assign legal or equitable title to or a beneficial interest in real property.

Vendors means persons who have sold more than $2,500.00 in worth of goods or services to the city in the current or preceding fiscal year.

(Code 1972, § 13-48; Ord. No. 2625, § 7, 6-20-94)

Definitions and rules of construction generally, § 1-2.

Sec. 13-93. Unlawful employment practices.

(a) Employment rights complaints should be limited to employees who cannot file complaints with the Illinois Department of Human Rights or the Federal Equal Employment and Opportunity Commission. The exception to this is the City of Macomb, which is subject to the jurisdiction of the commission.

(b) It shall be an unlawful employment practice:

(1) For an employer to fail or refuse to hire any person or otherwise discriminate against any person or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, discharge or any term or condition of employment because of race, color, religion, sex, ancestry, national origin, place of birth or physical or mental handicap, which would not interfere with the job in question.

(2) For any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting, through a quota system or otherwise, the employment or membership opportunities of any person or group of persons because of race, color, religion, sex, ancestry, national origin, place of birth or physical or mental handicap, which would not interfere with the efficient performance of the job in question.

(3) For any employer, labor organization, employment agency or any joint labor-management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, religion, sex, ancestry, national origin, place of birth or physical or mental handicap, which would not interfere with the efficient performance of the job in question.

(4) For any employer, employment agency or labor organization to require of any applicant for employment or membership any information concerning race, color, religion, sex, ancestry, national origin, place of birth or physical or mental handicap;
provided that this section shall not be construed to prohibit the keeping of such records as are necessary to implement an affirmative action program approved by the equal opportunity and housing commission as required by this article or as otherwise required by law.

(5) For any employer, employment agency or labor organization to publish or circulate or to cause to be published or circulated any notice or advertisement relating to employment or membership which indicates any discrimination because of race, color, religion, sex, ancestry, national origin, place of birth or physical or mental handicap, which would not interfere with the efficient performance of the job in question.

(6) For any employment agency to fail or refuse to classify properly or refer to employment or otherwise to discriminate against any person because of race, color, religion, sex, ancestry, national origin, place of birth or physical or mental handicap, which would not interfere with the efficient performance of the job in question.

(7) For any employer substantially to confine or limit recruitment or hiring of employees, with intent to circumvent the spirit and purpose of this article, to any employment agency, employment service, labor organization, training school, training center or any other employee-referring source which serves persons who are predominantly of the same race, color, religion, sex, ancestry, national origin or place of birth.

(8) For any labor organization to discriminate against any person in any way which would deprive or limit his employment opportunities or otherwise adversely affect his status as an applicant for employment or as an employee with regard to tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, religion, sex, ancestry, national origin, place of birth or physical or mental handicap, which would not interfere with the efficient performance of the job in question.

(9) For any employer, employment agency or labor organization to discriminate against any person because he has opposed any practice forbidden by this article or because he has made a complaint or testified or assisted in any manner in any investigation or proceeding under this article.

(10) For any person, whether or not an employer, employment agency or labor organization, to aid, incite, compel, coerce or participate in the doing of any act declared to be an unlawful employment practice by this article, or to obstruct or prevent any person from enforcing or complying with the provisions of this article or to attempt directly or indirectly to commit any act declared by this article to be an unlawful employment practice.
Sec. 13-94. Unlawful real estate practice.

(a) Representing nonavailability of property; withholding housing. It shall be an unlawful real estate practice and a violation of this article for any real estate broker, salesperson, agent, owner or other person to represent to any person that any real property is not available for inspection, purchase, sale, lease or occupancy when in fact it is so available, or otherwise to withhold real property from any person because of race, color, religion, national origin, creed, sex, ancestry or physical or mental handicap.

(b) Advertisements and notices indicating intent to discriminate in housing. It shall be an unlawful real estate practice and a violation of this article for any real estate broker, salesperson, agent, owner or other person to publish or circulate a statement, advertisement or notice, or to post or erect or cause any person to post or erect any sign or notice upon any real property indicating any intent to sell or lease any real property in a manner that is unlawful under this article.

(c) Refusal of offer. It shall be an unlawful real estate practice and a violation of this article for any real estate agent or other person to refuse to receive or to fail to transmit a bona fide offer for the purchase, sale, exchange or lease of any real property because of the race, color, religion, national origin, creed, sex, ancestry or physical or mental handicap of the person making such offer.

(d) Discrimination in lending. It shall be an unlawful real estate practice and a violation of this article for any lending institution to discriminate or participate in discrimination in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation because of race, color, religion, national origin, creed, sex, ancestry or physical or mental handicap.

(e) Deception; exploitation; cheating. It shall be an unlawful real estate practice and a violation of this article for any real estate broker, salesperson, agent, owner or any other person to deceive, exploit, cheat or overcharge any person in a real property transaction in the city or to make any distinction, discrimination or restriction against any person as to conditions or privileges of any kind relating to the sale, rental, lease or occupancy of the real property because of race, color, religion, national origin, creed, sex, ancestry or
physical or mental handicap.

(f) **Listing agreements which are discriminatory.** It shall be an unlawful real estate practice and a violation of this article for any real estate broker, salesperson, agent, owner or any other person to enter into a listing agreement which prohibits the inspection, sale, lease or occupancy of real property to any person because of race, color, religion, national origin, creed, sex, ancestry or physical or mental handicap.

(g) **Interference with equal opportunity and housing commission.** It shall be an unlawful real estate practice and a violation of this article for any real estate broker, salesperson, agent, owner or any other person to knowingly and willfully interfere with the performance of a duty or the exercise of a power by the equal opportunity and housing commission or one of its members or representatives.

(h) **Exceptions.**

1. Nothing in this article shall require an owner to offer real property to the public at large before selling or renting the property, providing he complies with all other provisions of this article.

2. This article shall not require an owner or his agent to offer real property for sale or lease to any person if the owner or his agent has reasonable cause, which can be substantiated, to believe that such person is not negotiating for the purchase or lease of such real property in good faith.

3. This article shall not be deemed to prohibit owners from giving preference to prospective tenants or buyers for any reason other than religion, race, color, national origin, creed, sex, ancestry or physical or mental handicap.

4. Nothing in this article shall prohibit a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, religion, national origin, creed, sex, ancestry or physical or mental handicap.

5. Nothing in this article shall prohibit a private club that is open to the public which provides lodging which it owns and operates for other than commercial use from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Code 1972, § 13-50; Ord. No. 2625, § 7, 6-20-94)

Secs. 13-95—13-110. Reserved.
DIVISION 2. EQUAL OPPORTUNITY AND HOUSING COMMISSION

Sec. 13-111. Establishment; composition; appointment and terms of members.

Sec. 13-112. Removal of members.

Sec. 13-113. Quorum; majority control.

Sec. 13-114. Duties.

Sec. 13-115. Complaint procedures; investigation and mediation.

Sec. 13-116. Preliminary investigation; initial determination.

Sec. 13-117. Informal conciliation; followup proceedings; confidentiality.

Sec. 13-118. Public hearing.


Sec. 13-111. Establishment; composition; appointment and terms of members.

(a) In order to accomplish the policy set forth in section 13-91, there is hereby established a commission known as the equal opportunity and housing commission, consisting of nine members who are broadly representative of the religious, racial, ethnic and economic groups in the city, to be appointed by the mayor upon consideration of recommendations from representative or constituent groups, with the advice and consent of the city council.

(b) All nine members of the commission shall be inhabitants of the city. Membership of the commission shall be composed of one member who has housing-related expertise, one member of a minority group, one member from the local branch of the NAACP, one member from the ministerial alliance, and five at-large members appointed by the mayor as provided for in subsection (a) of this section.

(c) The members of the commission shall serve for a term of four years or until their successor is appointed and confirmed; provided, however, in the initial appointments to the commission, the mayor shall create staggered terms by designating three initial appointees to serve terms of two years, three initial appointees to serve terms of three years, and three initial appointees to serve terms of four years, and all appointments thereafter shall be for the full term of four years.

(d) The commission shall choose its own chair.

(e) The commission shall hold meetings quarterly, or as needed.

(Code 1972, § 13-71; Ord. No. 2625, § 7, 6-20-94; Ord. No. 07-38, § 2, 10-2-07; Ord. No. 09-18, § 2, 7-6-09)
Sec. 13-112. Removal of members.

Members of the equal opportunity and housing commission may be removed for cause by the mayor, with the consent of the city council, upon written charges and after a public hearing.

(Code 1972, § 13-72; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-113. Quorum; majority control.

Five members of the equal opportunity and housing commission shall constitute a quorum, and the concurrence of a majority of the appointed commission as a whole shall be sufficient for board action.

(Code 1972, § 13-73; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-114. Duties.

The commission shall have the power and it shall be its duty:

1. To process any complaint filed with it of discrimination against any person because of race, color, religion, sex, ancestry, national origin, creed or physical or mental handicap in violation of any ordinances of the city or any laws of the state or the United States of America, in accordance with the provisions of such ordinance or law.

2. To hold such hearings as may be provided for by the ordinance or law under which the complaint provided for in subsection (1) of this section is made.

3. To render an annual written report of its activities and recommendations to the mayor and city council.

4. To adopt such rules and regulations as may be necessary to carry out the purpose and intent of section 13-91.

5. To designate from its membership persons to serve on a five-member hearing board, with one person to be designated as chair, to hear complaints as provided for in subsection (1) of this section. No member is to be permitted to serve on the board for more than three consecutive complaints.

6. To review, monitor and make recommendations to the city council on the hiring and employment practices of the city and the city council concerning the city’s affirmative action efforts in connection with contracts which the city enters into. The City of Macomb Affirmative Action Officer shall be the city administrator or his/her designee.

7. To conduct such other tasks as may be assigned to it by the mayor and city council.

(Code 1972, § 13-74; Ord. No. 2625, § 7, 6-20-94; Ord. No. 09-18, § 5, 7-6-09)
Sec. 13-115. Complaint procedures; investigation and mediation.

(a) Any individual who believes that he has been aggrieved by a violation of the provisions of this article may file a complaint with the commission.

(b) The complainant shall make a written statement that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the officer to identify the respondent.

(c) All complaints shall be filed within 30 days of the occurrence of the alleged violation, or 30 days after the discovery thereof, but in no event shall a complaint be filed more than one year after the occurrence of the violation.

(d) Complaints filed may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the public hearing. The circumstances accompanying such withdrawal may be fully investigated by the officer of the commission.

(e) The chair of the equal opportunity and housing commission of the city may investigate individual instances and patterns of conduct which the commission feels are in violation of the provisions of this article, and may file complaints in connection therewith.

(f) Those cases in which an employee of the city is aggrieved shall be initiated in the manner stated in this section; however, such action shall be conducted before the mayor and city council. In such cases, the mayor and city council shall act in the same manner as the chair of the equal opportunity and housing commission and the commission as provided for in this article.

(Code 1972, § 13-75; Ord. No. 2603, § 31, 1-3-94; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-116. Preliminary investigation; initial determination.

(a) Investigations shall be conducted by a professional investigator hired by the city and approved by the commission. Two commissioners will accompany the investigator. The investigators shall within 30 days of the filing of a complaint, investigate allegations of discrimination set forth in any complaint and shall immediately furnish the respondent with a copy of the complaint. Investigations of complaints from city employees will be handled in the same manner as those from employees of outside agencies or businesses.

(b) An initial determination in writing shall be made by the investigator, stating whether or not there is probable cause to believe that this article has been violated, and on what facts such determination is based.

(c) If the chair of the equal opportunity and housing
commission finds, with respect to any respondent, that the commission lacks jurisdiction or that probable cause does not exist, the chair of the equal opportunity and housing commission shall issue and cause to be served on the appropriate parties an order dismissing the allegations of the complaint.

(Code 1972, § 13-76; Ord. No. 2625, § 7, 6-20-94; Ord. No. 09-18, § 4, 7-6-09)

Sec. 13-117. Informal conciliation; followup proceedings; confidentiality.

(a) In case the investigator determines initially that there is probable cause, an attempt shall be made to eliminate the alleged discriminatory practice by informal methods of conference, conciliation and persuasion.

(b) If the respondent and complainant agree to a conciliation agreement, such agreement shall be reported to the commission and the commission shall issue an order stating the terms of the agreement and furnish a copy of the order to the complainant and respondent.

(c) At any time within one year from the date of a conciliation agreement, the commission, or the chair of the equal opportunity and housing commission at the request of the commission, shall investigate whether the terms of the agreement are being complied with by the respondent. Upon finding that the terms of the agreement are not being complied with by the respondent, the commission shall certify the matter to the city attorney for enforcement proceedings.

(d) Except for the terms of the conciliation agreement, neither the commission, the chair of the equal opportunity and housing commission nor any officer or employee of the commission shall make public, without the written consent of the involved parties, information concerning the case.

(e) Nothing in this article shall be so construed as to contravene or attempt to contravene the provisions or intent of the state Open Meeting Law.

(Code 1972, § 13-77; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-118. Public hearing.

(a) Notice of hearing. In case of failure of conciliation efforts, or in advance of such efforts, as determined by the chair of the equal opportunity and housing commission, and after finding probable cause and after consulting and coordinating with the office of the city attorney, the chair of the equal opportunity and housing commission shall cause to be issued and served in the name of the commission, a written notice, together with a copy of the complaint, as the complaint may have been amended, requiring the respondent to answer the charges of such complaint at a public hearing, such hearing to be scheduled not less than ten days and not more than 30 days after such service. The notice shall specify the time, date and place of such hearing. Notice shall
be served by registered or certified mail, return receipt requested, or by personal service.

(b)  **Conduct of hearing.**

(1) After a complaint has been noticed for hearing, the commission shall conduct the hearing to make a determination concerning the complaint.

(2) The office of the city attorney shall present the city's case before the commission. Efforts at conciliation and reconciliation shall not be received into evidence.

(3) If the respondent fails to answer the complaint, the commission shall proceed on the basis of the evidence in support of the complaint.

(4) The respondent may appear at the hearing with or without representation, may examine and cross examine the witnesses and the complainant, and may offer evidence.

(5) At the conclusion of any hearing, the commission shall render a decision as to whether or not the respondent has engaged in an unlawful practice or has otherwise violated the provisions of this article. No such decision by the commission shall be by a vote of less than a majority of its duly authorized members. If it is determined that a respondent has not engaged in an unlawful practice, the commission shall issue and cause to be served on the respondent and the complainant a decision and order dismissing the case. If it is determined that a respondent has engaged in an unlawful practice, the commission shall issue and cause to be served on such respondent a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful practice, and to take such action as in the judgment of the commission shall carry out the purposes of this article. Such action may include but shall not be limited to the following acts on behalf of the complainant and other aggrieved individuals: hiring, reinstating or upgrading, with or without back pay; restoring membership in any respondent labor organization; admitting to or allowing to participate in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; the extension of full, equal and unsegregated accommodations, advantages, facilities and privileges; payment of compensatory damages; extending credit; referring for employment; selling, exchanging or leasing real property; or providing housing accommodations.

(6) Nothing in this article shall be construed as to permit back pay or compensatory damages to equal more than the actual monetary losses or costs incurred by the complainants as a result of the discrimination by the respondent.

DIVISION 3. ADMINISTRATION AND ENFORCEMENT

Sec. 13-131. Fines.

Any person found in violation of any provision of this article by the commission, or in subsequent judicial proceedings in a court of law, shall be fined not more than $500.00 for each violation.

(Code 1972, § 13-83; Ord. No. 2625, § 7, 6-20-94)


Any person suffering a legal wrong or adversely affected or aggrieved by an order or decision of the commission in a matter pursuant to the provisions of this article is entitled to a judicial review thereof, upon filing a written petition for such a review with the circuit court of the Ninth Judicial Circuit, or any court of competent jurisdiction.

(Code 1972, § 13-84; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-133. Enforcement powers of commission; institution of civil proceedings.

(a) The chair of the commission, or the acting chair in the absence of the chair, shall issue subpoenas at the instance of the commission or the investigator, or in the instance of a respondent or complainant to the proceedings, whenever necessary to compel the attendance of a witness or to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence in any investigation or hearing of a discrimination charge.

(b) If the commission determines that the respondent has not, after 30 calendar days following service of its order, corrected the unlawful
practice and complied with this article, the commission shall certify the matter to
the city attorney for enforcement proceedings.

(c) The city attorney shall institute, in the name of the city,
civil proceedings, including the seeking of such restraining orders and
temporary or permanent injunctions, as are necessary to obtain complete
compliance with the commission's orders.

(Code 1972, § 13-85; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-134. Retaliation against persons participating in enforcement proceedings;
aiding or abetting violation.

(a) It shall be an unlawful practice for any person to refuse
to hire, to discharge or evict from housing or commercial space, to refuse to
negotiate for, sell, exchange or lease any real property or to include terms or
conditions for such property, or to harass, intimidate or in any other way retaliate
or discriminate against or interfere with any individual because he has made a
complaint, testified or assisted in any proceeding under this article, whether on
his own behalf or for another individual.

(b) It shall be an unlawful practice for any person to aid,
abet, compel or coerce another person to commit an act which is unlawful under
the provisions of this article, or to attempt to do so.

(Code 1972, § 13-86; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-135. Exceptions.

(a) Any practice or act of discrimination which would
otherwise be prohibited by this article shall not be deemed unlawful if it can be
established that such practice or act can be justified on the basis of being
reasonably necessary to the normal operation of the business or enterprise.
However, a business necessity exception shall not be justified by the factors of
increased cost to business, business efficiency, the comparative or stereotypical
characteristics of one group as opposed to another or the preferences of
coworkers, the employer's customers or any other person.

(b) Nothing contained in the provisions of this article shall
be construed to bar any religious or political organization from giving preference
to persons of the same political or religious persuasion in the conducting of the
organization's activities.

(c) Nothing contained in the provisions of this article shall
be considered to be discriminatory on the basis of age if the act occurs with
respect to a person under the age of 18 years.

(Code 1972, § 13-87; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-136. Severability of provisions.
If any provision or part thereof of this article or application thereof to any person or circumstance is held invalid, the remainder of this article and the application of the provision or part thereof to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Code 1972, § 13-88; Ord. No. 2625, § 7, 6-20-94)

Sec. 13-137. Records and reports.

When a charge of discrimination has been filed against a person pursuant to this article, the respondent shall preserve all records which may be relevant to the charge or action until a final disposition of the charge. Such records shall include but not be limited to application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this article.

(Code 1972, § 13-89; Ord. No. 2625, § 7, 6-20-94)

Chapter 14 LICENSES AND BUSINESS REGULATIONS [1](55)

ARTICLE I. IN GENERAL

Sec. 14-1. Persons subject to license requirement.
Sec. 14-2. Forms for licenses and permits.
Sec. 14-3. Application for license or permit.
Sec. 14-4. License year.
Sec. 14-5. License and permit fees.
Sec. 14-6. Signatures on licenses and permits.
Sec. 14-7. Expiration of licenses.
Sec. 14-8. Standards for building and premises; compliance with zoning ordinance.
Sec. 14-9. Change of location.
Sec. 14-10. Businesses not to constitute nuisance.
Sec. 14-11. Inspection of licensed premises.
Sec. 14-12. Posting of license.
Sec. 14-13. Revocation of license or permit.
Secs. 14-14—14-30. Reserved.

Sec. 14-1. Persons subject to license requirement.

Whenever in this Code a license is required for the maintenance, operation or
conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if, by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation or solicits patronage therefor, actively or passively, or performs or attempts to perform any part of such business or occupation in the city.

(Code 1972, § 14-1)

License for retail sale of alcoholic beverages, § 4-51 et seq.; amusement licenses, § 5-31 et seq.; taxicab license, § 22-41 et seq.

Sec. 14-2. Forms for licenses and permits.

Forms for all licenses and permits and applications therefor shall be prepared and kept on file by the city clerk.

(Code 1972, § 14-2)

Sec. 14-3. Application for license or permit.

Applications for all licenses and permits required by this Code or other ordinances of the city shall be made in writing to the city clerk in the absence of provisions to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered, the fee to be paid and such additional information as may be needed for the proper guidance of the city officials in the issuing of the permit or license.

(Code 1972, § 14-3)

Sec. 14-4. License year.

The license year for the city shall begin on May 1 and end on the last day of April of each year.

(Code 1972, § 14-4)

Sec. 14-5. License and permit fees.

In the absence of any provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the city clerk. When an applicant has not engaged in the business until after the expiration of part of the current license year, the license fee shall be prorated by quarters of the year and the fee paid for each quarter or fraction thereof during which the business has been or will be conducted. Except as otherwise provided, all license fees shall become a part of the corporate fund.

(Code 1972, § 14-5)

Sec. 14-6. Signatures on licenses and permits.

Each license or permit issued shall bear the signatures of the mayor and the
city clerk in the absence of any provision to the contrary.

(Code 1972, § 14-6)

Sec. 14-7. Expiration of licenses.

(a) All annual licenses shall expire on the last day of April where no provision to the contrary is made.

(b) The city clerk shall mail to all licensees of the city a statement of the time of expiration of the license held by the licensee, if an annual one, three weeks prior to the date of such expiration. Failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license or a renewal thereof, nor shall it be a defense in an action for operation without a license.

(Code 1972, § 14-7)

Sec. 14-8. Standards for building and premises; compliance with zoning ordinance.

No license shall be issued if the premises and building to be used therefor do not fully comply with the requirements of the city. No license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the city.

(Code 1972, § 14-8)

Sec. 14-9. Change of location.

The location of any licensed business or occupation or of any permitted act may be changed provided ten days' notice thereof is given to the city clerk, in the absence of any provision to the contrary; provided that the building and zoning requirements of the ordinances of the city are complied with.

(Code 1972, § 14-9)

Sec. 14-10. Businesses not to constitute nuisance.

No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact.

(Code 1972, § 14-10)

Sec. 14-11. Inspection of licensed premises.

(a) Whenever inspection of the premises used for or in connection with the operation of a licensed business or occupation is provided for or required by this Code or is reasonably necessary to secure compliance with any provision of this Code or to detect violation thereof, it shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto, for the purpose of making such inspection, any officer or employee of
the city who is authorized or directed to make such inspection at any reasonable
time that admission is requested.

(b) In addition to any other penalty which may be provided,
the city council may revoke the license of the proprietor of any licensed
business in the city who refuses to permit any such officer or employee to make
such inspection, or who interferes with such officer or employee while in the
performance of his duty in making such inspection.

(Code 1972, § 14-11)

Sec. 14-12. Posting of license.

It shall be the duty of any person conducting a licensed business in the city to
keep his license posted in a prominent place on the premises used for the business at all
times.

(Code 1972, § 14-12)

Sec. 14-13. Revocation of license or permit.

Any license or permit issued for a limited time may be revoked by the mayor at
any time during the life of such license or permit for any violation by the licensee or permittee
of the provisions relating to the license or permit, the subject matter of the license or permit, or
the premises occupied. Such revocation may be in addition to any fine imposed.

(Code 1972, § 14-13)

Secs. 14-14—14-30. Reserved.

ARTICLE II. SOLICITORS AND VENDORS [2][56]

DIVISION 1. SOLICITORS AND PEDDLERS

Sec. 14-31. Definition.
Sec. 14-32. License.
Sec. 14-33. Application for license.
Sec. 14-34. Fees.
Sec. 14-35. Issuance of license.
Sec. 14-36. Revocation of license.
Sec. 14-38. Penalty.
Sec. 14-39. Reserved.
Sec. 14-31. Definition.

For the purpose of this article, the following words as used herein shall be construed to have the meaning herein ascribed thereto:

Nonprofit organization shall mean any person selling, peddling, soliciting or taking orders for any goods or services not prohibited by law on behalf of a nonprofit organization sponsored by or participated in by a local chapter of such organization; or by a national nonprofit organization not represented locally but which has filed a statement of registration with the city clerk specifying the name of the nonprofit organization, its permanent address, the names of its principal officers and names of those persons who are authorized to sell, peddle or solicit or take orders for goods and services within the city.

Peddler shall mean every person who shall sell or offer for sale, barter or exchange, at retail, any goods, wares or merchandise by traveling from place to place in, along and upon the streets, avenues, alleys or public thoroughfares of the city; or who shall sell and deliver from any vehicle goods, wares or merchandise, by going from house to house or place to place in the city, whether to regular customers or not. The term shall also mean every person who moves from place to place in the city selling or taking orders for goods, wares, subscriptions or merchandise for future delivery. The term shall not include the following persons:

(1) Farmers, fruit growers and gardeners who sell the produce of their farm, orchard or vineyard.
(2) Sellers or deliverers of newspapers.
(3) Persons, who without receiving any compensation for their services, solicit contributions or sell goods, wares or merchandise for civic, patriotic, fraternal, educational, religious or benevolent organization.

Registered solicitor shall mean and include any person who has obtained a valid license as hereinafter provided, and which license is in the possession of the solicitor on his or her person while engaged in soliciting.

Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

Soliciting shall mean and include any one or more of the following activities conducted on a door-to-door basis and whose primary means of attracting potential customers is by knocking on doors or ringing door bells:

(1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever, for any kind of consideration whatever; or
(2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or
(3) Seeking to obtain subscriptions to books,
magazines, periodicals, newspapers and every other type or kind of publication; or

(4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable, religious, political or nonprofit association, organization, corporation or project; or

(5) Seeking to proselytize beliefs by any charitable, religious, political or nonprofit association, organization, corporation or project.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-32. License.

It shall be unlawful for any person, firm, or corporation to engage in soliciting, as a solicitor or peddler or similar activity, without first having obtained a license therefore in accordance with this article. This section applies to all persons except those seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of a non-profit organization as herein defined and except those seeking to proselytize the beliefs of any charitable, religious, political or nonprofit association, organization, corporation or project.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-33. Application for license.

Application for the license shall be made upon a form provided by the city clerk and filed with the city clerk. The applicant shall truthfully state in full the information requested on the application:

(a) Name and address of present place of residence and length of residence at such address; also business address if other than residence address; also Social Security number.

(b) Address of place of residence during the past three years if other than present address.

(c) Physical description of the applicant; or photograph on driver's license, or state identification card.

(d) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and length of time of such employment or representation.

(e) Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in.

(f) Period of time for which the license is applied for.

(g) The date, or approximate date, of the latest
previous application for license under this article, if any.

(h) Has a license issued to the applicant, other than any nonprofit organization or any person seeking to proselytize the beliefs of any charitable, religious, political or nonprofit association, organization, corporation or project, ever been revoked.

(i) Has the applicant, other than an applicant seeking to obtain gifts or contributions of money, clothing or other valuable thing on behalf of a nonprofit organization and other than an applicant seeking to proselytize the beliefs of any charitable, religious, political or nonprofit association, organization, corporation or project, ever been convicted of a violation of any of the provisions of this article, regulating soliciting.

(j) Has the applicant, other than an applicant seeking to obtain gifts or contributions or money, clothing or any other valuable thing for the support or benefit of any charitable, religious, political or nonprofit association, organization, corporation or project and other than an applicant seeking to proselytize the beliefs of any charitable, religious, political or nonprofit association, organization, corporation or project, ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States.

(k) Provide the names of municipalities or government units to which the applicant has applied for a transient merchants' license or license of similar character within the 12 months prior to the date of application.

(l) Provide a copy of the applicant's, or the applicant's employer's, certificate of registration under the Retailer's Occupation Tax Act.

(m) Provide two passport sized photographs of the person to be conducting the soliciting activity to be used on the identification card/photo ID badge.

All statements made by the applicant under the application or in connection therewith shall be under oath.

The city clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and date pertaining thereto and all licenses issued under the provisions of this article, and of the denial of applications. Applications for licenses shall be numbered in consecutive order as filed, and every license issued, and any renewal thereof, shall be identified with the duplicated number of the application upon which it was issued.

(Ord. No. 11-38, § 2, 12-5-11; Ord. No. 14-23, § 2, 5-5-14)

Sec. 14-34. Fees.

Each application for license under this division shall be submitted with a payment to the city clerk in the amount of $10.00 per person for processing. Each license fee,
upon issuance, shall be $100.00 and each license issued hereunder shall be for a period of time not to exceed twelve (12) months. The applicant must obtain an identification card/photo ID badge from the city clerk's office which shall cost $10.00 per badge. A replacement badge shall cost $10.00.

(Ord. No. 11-38, § 2, 12-5-11; Ord. No. 12-39, § 2, 8-6-12 Ord. No. 14-23, § 2, 5-5-14)

Sec. 14-35. Issuance of license.

The city clerk shall issue or deny the license within 14 days of application or licenses shall be deemed granted.

The city clerk shall issue the license required by this division unless they shall find:

(1) That the applicant is under the age of 14.

(2) That the applicant has been convicted or completed any sentence of imprisonment within the last five years of any offense relating to theft, burglary or fraud, or the applicant has ever been convicted of any sex offense as defined in the Illinois Criminal Code of 1961, 720 ILCS 5/1-1 et seq., felony offense related to use of a firearm, manslaughter, first or second degree murder as defined by the Illinois Criminal Code of 1961, 720 ILCS 5/1-1 et seq. or home invasion as defined by the Illinois Criminal Code of 1961, or any similar offense under the laws of United States or another state.

(3) That the applicant or his employer has had a license issued pursuant to this division revoked for cause.

(4) That the applicant or his employer has had an application submitted pursuant to this article denied by the comptroller within the last three years.

(5) That the applicant, its partner, officers or listed shareholders has knowingly furnished false or misleading information on any application for a license required under this article or any investigation into any such application.

An applicant may appeal the denial of a license to the mayor of the city by serving written notice of such appeal to the mayor within five days of receiving written notice of denial from the city clerk.

(Ord. No. 11-38, § 2, 12-5-11 Ord. No. 14-23, § 2, 5-5-14)

Sec. 14-36. Revocation of license.

Any license issued hereunder shall be revoked by the city clerk if the holder of the permit violates any of the provisions of this article or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license under the terms of this article. Immediately upon such revocation, written notice thereof shall be given by the city clerk to the holder of the license in person or by certified U.S. mail addressed to his or
her residence address set forth in the application.

Immediately upon the giving of such notice, the license shall become null and void.

The license shall state the expiration date thereof.

(Ord. No. 11-38, § 2, 12-5-11)


(a) All individuals receiving a license must obtain an identification card/photo ID badge from the city clerk, which shall be worn on their person at all times, while engaged in the activity of soliciting. Each license issued shall bear a number, the solicitor's name, his or her firm or employer, the type of merchandise to be sold, and the date of issuance of said license. Every person issued a license hereunder shall carry said license with them while engaged in the activity of soliciting. When personal contact is made in door-to-door sales, said license shall be voluntarily displayed as an introduction to the proposed buyer in addition to the identification card/photo ID badge that is being worn.

(b) Any solicitor or peddler or person engaged in soliciting who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

(c) No person shall engage in the activity of soliciting between the hours of 7:00 p.m. (sunset) and 9:00 a.m., unless by prior invitation.

(d) A photo ID badge and safety vest issued by the city clerk's office shall be worn as the outer most layer of clothing at all times of the soliciting.

(e) It shall be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in "peddling" or "soliciting" as herein defined, in defiance of any notice that may be conspicuously posted stating the following or similar admonishment:

    NO SOLICITING
    OR PEDDLING PERMITTED
    ON PREMISES

(f) Obtain a reflective safety vest from the city clerk's office prior to engaging in the act of soliciting. A refundable cash deposit for the cost of each safety vest is required upon issuance of the vest and will be refunded when each vest is returned to the city clerk's office. The cash deposit will be automatically forfeited to the city for any safety vest not returned to the city
Sec. 14-38. Penalty.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than $250.00 and not more than $750.00 for each offense.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-39. Reserved.

DIVISION 2. TRANSIENT VENDORS AND SIDEWALK VENDORS

Sec. 14-40. Definition.

Sec. 14-41. Restrictions.

Sec. 14-42. Application for license.

Sec. 14-43. Fees.

Sec. 14-44. Issuance of license.

Sec. 14-45. Posting of license.

Sec. 14-46. Transfer.

Sec. 14-47. Revocation and suspension of license.


Sec. 14-40. Definition.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

Motor vehicle means any vehicle used for the storing or transporting of articles offered for sale by a vendor and is required to be licensed and registered with the secretary of the state.

Sidewalk vendor means any person engaged in the selling, or offering for sale, of food, beverages, goods, wares or merchandise on the public streets, sidewalks or rights of way from a stand, site or from his person.

Site means the total area occupied by a transient vendor or sidewalk vendor, including the stand and auxiliary tables, the place where the employees stand, and the place where goods and equipment are stored or displayed.
Stand means any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered with the secretary of the state.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-41. Restrictions.

(a) No person may engage in the business of transient vendor or sidewalk vendor without first obtaining a license from the city to do so.

(b) No licensee shall make sales from a motor vehicle, but are permitted to make sales from other wheeled device which may be moved without the assistance of a motor, or a vehicle as modified for food service and certified by the health department, which shall be stopped at the right-hand curb of the street or at the extreme right-hand edge of the pavement. No sales shall be made from any motor vehicle, other than that described above.

(c) No licensee shall leave any stand unattended.

(d) No licensee shall store, park or leave unattended any stand on any street, sidewalk or public right-of-way.

(e) No licensee shall park any motor vehicle or other wheeled device which may be moved without the assistance of a motor than in a lawful parking place in conformance with city and state parking regulations.

(f) All licensees selling food and beverages for immediate consumption shall have available for public use their own litter receptacle which is available for patrons' use, appropriately sized for the amount of litter generated by their product or goods.

(g) No licensee shall leave his location without first picking up, removing and disposing of all trash or refuse from the sales made by him. No licensee shall dispose of trash or refuse in the public receptacles.

(h) No licensee shall solicit or conduct business with persons in motor vehicles.

(i) No licensee shall sell anything other than that which he stated in his license application.

(j) No licensee whose location is beneath a tree shall cook food, only warming of food shall be permitted at that location.

(k) No licensee shall sell food or beverages without being fully compliant with all state and local health department requirements.

(l) No licensee shall deface, mar, mark, damage or destroy the public right-of-way. All stains from cooking, wheels, spillage or any other cause shall be removed within two days.

(Ord. No. 11-38, § 2, 12-5-11)
Sec. 14-42. Application for license.

Application for the license shall be made upon a form provided by the city clerk and filed with the city clerk. The applicant shall truthfully state in the full the information requested on the application:

1. The name of the individual applying for the license.
2. The residence, telephone number and driver's license number of the applicant.
3. The address of the principal place of business of the applicant and its telephone number.
4. If the applicant is employed by another person or entity, the name of the employer, its address and telephone number.
5. The type of goods, wares or merchandise to be sold or offered for sale.
6. The location where the applicant plans to sell his goods, wares or merchandise.
7. Whether the applicant has been convicted of a criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-43. Fees.

Each application for license under this section shall be submitted with a nonrefundable $50.00 payment to the city clerk. If a license is issued pursuant to application the $50.00 application fee shall be applied to the total license fee. Each license issued hereunder shall be for a period of time not to exceed 12 months from the date of issue. The annual license fee for a term not to exceed 12 months shall be $100.00, payable to the city clerk upon issuance. If the applicant is an operator of a commercial establishment with walk in patrons in the city limits the annual fee shall be $50.00, with application fee to be applied upon issuance.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-44. Issuance of license.

The city clerk shall issue the license required by this article unless they shall find:

1. That the applicant is under the age of 14.
2. That the applicant has been convicted within
the last five years of any offense relating to theft, burglary or fraud.

(3) That the applicant or his employer has had a license issued pursuant to this article revoked for cause.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-45. Posting of license.

Every license issued under this article shall be permanently affixed to the stand or vehicle of the sidewalk or street vendor, respectively, in a prominent location.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-46. Transfer.

No license issued pursuant to this article may be transferred, sold or assigned to another person.

(Ord. No. 11-38, § 2, 12-5-11)

Sec. 14-47. Revocation and suspension of license.

Any license issued hereunder shall be revoked by the city clerk if the holder of the permit violates any of the provisions of this article or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a license under the terms of this article. Immediately upon such revocation, written notice thereof shall be given by the city clerk to the holder of the license in person or by certified U.S. mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice, the license shall become null and void.

The license shall state the expiration date thereof.

(Ord. No. 11-38, § 2, 12-5-11)


Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than $250.00 and not more than $750.00 for each offense.

(Ord. No. 11-38, § 2, 12-5-11)


ARTICLE III. PAWNBROKERS

Sec. 14-51. License required.

Sec. 14-52. License fee.
Sec. 14-53. Stolen goods; examination of records and goods by police.

Secs. 14-54—14-70. Reserved.

Sec. 14-51. License required.

It shall be unlawful for any person to engage in the business, occupation or pursuit of a pawnbroker in the city without first having obtained a license therefor.

(Code 1972, § 14-40)

Sec. 14-52. License fee.

The fee for a license required by this article shall be $50.00 per year.

(Code 1972, § 14-41)

Sec. 14-53. Stolen goods; examination of records and goods by police.

Every pawnbroker who shall receive or be in possession of any goods or articles which may have been lost or stolen or are alleged to have been lost or stolen shall, upon demand, produce the goods or articles and his records relative to the person from whom he received the goods or articles for examination by any police officer.

(Code 1972, § 14-42)

Secs. 14-54—14-70. Reserved.

ARTICLE IV. JUNK DEALERS

Sec. 14-71. License required.

Sec. 14-72. License fee.

Sec. 14-73. Stolen goods; examination of records and goods by police.

Sec. 14-74. Record of purchases.

Secs. 14-75—14-90. Reserved.

Sec. 14-71. License required.

It shall be unlawful to maintain or operate a junk shop or place of business for dealing in junk without first having obtained a license therefor.

(Code 1972, § 14-53)

Sec. 14-72. License fee.
The fee for a license required by this article shall be $50.00 per year.

(Code 1972, § 14-54)

Sec. 14-73. Stolen goods; examination of records and goods by police.

Every person maintaining or operating a junk shop or place of business for dealing in junk who shall receive or be in possession of any goods, articles or things of value which may have been lost or stolen or are alleged to have been lost or stolen shall, upon demand, produce such goods, articles or things and his records relative to the person from whom he received the goods, articles or things for examination by any police officer.

(Code 1972, § 14-55)

Sec. 14-74. Record of purchases.

Every person maintaining or operating a junk shop or place of business for dealing in junk shall keep a record of every article sold to him, stating the name and address of the person from whom such purchase was made, an accurate description of the article and the price paid therefor, and this record shall be open to inspection by any police officer at any time.

(Code 1972, § 14-56)

Secs. 14-75—14-90. Reserved.

ARTICLE V. FOREIGN FIRE INSURANCE COMPANIES [3][57]

Sec. 14-91. Registration of agents.
Sec. 14-92. Tax imposed.
Sec. 14-93. Accounts; payment.
Sec. 14-94. Examination of records.
Sec. 14-95. Default.
Sec. 14-96. Disposition of funds.

Sec. 14-91. Registration of agents.

No person acting as agent or otherwise shall write or effect any fire insurance on any property situated in the city by or on behalf of any corporation, company or association which is not incorporated under the laws of the state without first having registered with the city clerk his name and business address and the name and business address of such corporation, company or association.

(Code 1972, § 14-67)
Sec. 14-92. Tax imposed.

Every corporation, company and association which is not incorporated under the laws of the state and which is engaged in effecting fire insurance in the city shall pay to the city treasurer, for the maintenance, use and benefit of the fire department of the city, annually on or before July 15 of every year, a sum equal to two percent of the amount of all premiums which have been received during the year ending on July 1 next preceding such date for all fire insurance effected or agreed to be effected on property situated within the city by that corporation, company or association. The sum named in this section shall be imposed as a tax or license fee upon all such corporations, companies or associations.

(Code 1972, § 14-68)

Sec. 14-93. Accounts; payment.

Every person who acts in the city as agent or otherwise on behalf of any corporation, company or association coming within the terms of this article shall render to the city clerk on or before July 15 of each year a full and true account verified by his oath of all of the premiums which, during the year ending on July 1 next preceding such date, were received by him or by any other person for him on behalf of that corporation, company or association. He shall specify in this report the amounts received for fire insurance, and he shall pay to the city treasurer, at the time of rendering this report, the sum of two percent of the gross receipts of such corporation, company or association received from fire insurance upon property situated within the city for which his corporation, company or association is accountable under this article.

(Code 1972, § 14-69)

Sec. 14-94. Examination of records.

The city clerk may examine the books, records and other papers and documents of a designated agent, corporation, company or association subject to the tax or license fee required by this article for the purpose of verifying the correctness of the report of the amounts received for fire insurance.

(Code 1972, § 14-70)

Sec. 14-95. Default.

(a) If the account is not rendered as required by this article on or before July 15 of each year or if the sum due remains unpaid after that day, it shall be unlawful for any such corporation, company or association so in default, to transact any business in the city until the sum due has been fully paid. This provision shall not relieve any such corporation, company or association from the payment of any loss upon any risk that may be taken in violation of this requirement.

(b) The amount of the tax established by this article may be recovered from the corporation, company or association which owes it or from
its agent by an action in the name and for the use of the city as for money had and received.

(Code 1972, § 14-71)

Sec. 14-96. Disposition of funds.

All sums received pursuant to this article by the city treasurer shall be paid over by him to the treasurer of the fire department, and shall form and constitute a fund to be kept separate by him for the maintenance, use and benefit of the fire department of the city.

(Code 1972, § 14-72)


ARTICLE VI. YARD SALES AND GARAGE SALES

Sec. 14-111. Limitation on number of sales.

Secs. 14-112—14-130. Reserved.

Sec. 14-111. Limitation on number of sales.

(a) Yard sales and garage sales shall be limited to four per year per residence within the city.

(b) Each day that a sale is run shall be considered as one sale of the four allowed per year.

(c) For purposes of this article, certain terms are defined as follows:

(1) Related activities means the placement of signs advertising yard sales and garage sales and other sales of items of personal property open to the public upon premises located within the city.

(2) Yard sale and garage sale mean any holding or selling of personal property, articles, materials or other items for sale to the public in general. Yard sale or garage sale shall not mean auctions held at residences by professional auctioneers.

(Code 1972, § 14-110)

Secs. 14-112—14-130. Reserved.

ARTICLE VII. SPECIAL EVENTS [4][58]

Sec. 14-132. Permit required.

Sec. 14-133. Application.

Sec. 14-134. Standards for denial of permit.

Sec. 14-135. Indemnity agreement and insurance.

Sec. 14-136. Limitation of liability.

Sec. 14-137. Public notice required.

Sec. 14-138. Sanitation and clean-up.

Sec. 14-139. Other permits required.

Sec. 14-140. Revocation of permit.

Sec. 14-141. Appeal procedure.

Sec. 14-142. Outdoor café; permits required.

Sec. 14-143. Application.

Sec. 14-144. Review of applications.

Sec. 14-145. Regulations.

Sec. 14-146. Temporary nature of use.

Sec. 14-147. Public property.

Sec. 14-148. Indemnification; payment for cleaning or damages.

Sec. 14-149. Insurance requirements.

Sec. 14-150. Enforcement.

Secs. 14-151—14-159. Reserved.


For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Assembly means any gathering of persons on public property or any gathering of persons on private property which will affect the ordinary use of public streets, rights-of-way or sidewalks and shall include, but not be limited to group assemblies, parades, marches, pickets and similar activities.

Outdoor café shall mean a use of public sidewalk by a food service establishment or liquor establishment, for the serving of food and beverages. The use will be characterized by the outdoor use of tables, and chairs and umbrellas.

Permit area shall mean the sidewalk area designated on the permit specifying the area of operation of the outdoor café.
Permittee shall mean the person or entity operating a food service or liquor establishment who has received a permit allowing for the operation of an outdoor café.

Special event means any activity which occurs upon private or public property that will affect the ordinary use of public streets, rights-of-way or sidewalks. Such term as used herein shall include, but not be limited to the following activities:

(1) Fairs, festivals or street fairs;
(2) Road races, foot runs, bicycle runs, walk-a-thons, bike-a-thons or similar events;
(3) Sidewalk sales or displays;
(4) Farmers or merchants markets or similar activities;
(5) Block parties, business openings, business promotions or similar events where all or part of any street, right-of-way or sidewalk is sought to be closed to public use.

Such term has herein defined shall not include private social gatherings which make no use of streets other than for lawful parking.

Street closing means any activity on a public street, right-of-way, sidewalk or adjoining property which temporarily necessitates the closing of any street, right-of-way or sidewalk, or part thereof, because of such activity and shall include, but not be limited to building or structure moving upon public streets or rights-of-way and construction activities on or adjacent to any street, right-of-way or sidewalk.

Sec. 14-132. Permit required.

(a) No person or organization shall conduct any special event, assembly or street closing that affects the ordinary use of public streets, rights-of-way or sidewalks without having first obtained a permit from the city.

(b) The term of a permit shall be for a fixed term established at the time of issuance by city staff not to exceed one year.

Sec. 14-133. Application.

An application for an assembly, special event or street closing permit shall be submitted to the office of the city clerk on forms provided by the city clerk. The application must be filed at least ten business days prior to the proposed event. The applicant shall provide the following information:

(1) Name, address and telephone number of the sponsoring organization or individual;
(2) Name, address and telephone number of contact person, if different from the sponsor;

(3) Purpose of the event or activity;

(4) Proposed date, location and hours of operation;

(5) Schedule for the proposed event, if applicable;

(6) Such other information as the city clerk or other city official deems reasonably necessary to determine that the permit meets the requirements of this article;

(7) Plans for placement of signs, tables, chairs, lighting/illuminations, trash receptacles and related items to ensure safe and sufficient space for pedestrian traffic and access to parked vehicles.

The city administrator shall review all permit applications and shall be responsible to approve or deny such applications.

(Ord. No. 2595, § 3, 10-18-93; Ord. No. 07-23, § 4, 6-5-07)

Sec. 14-134. Standards for denial of permit.

Reasons for denial of a special event permit shall include the following:

(1) The event or activity will so disrupt normal traffic flow in the city, or a part of the city, beyond any practical solution that the event cannot be held;

(2) The event or activity will interfere with access to fire stations or fire hydrants or will block one or more fire lanes;

(3) The location of the assembly, special event or street closing will undue hardship to adjacent businesses or residents;

(4) The event will require the diversion of so many public employees that allowing the event would unreasonably deny public services to the remainder of the city;

(5) The application contains incomplete or false information or the applicant has failed or refused to provide reasonably necessary additional information as requested by city officials;

(6) The applicant fails or refuses to comply with all the terms and conditions of this article;

(7) Unless expressly authorized by the city, no pavement shall be broken, no sidewalk surface disturbed and no fixture of any kind shall be installed in or on sidewalk areas.

(Ord. No. 2595, § 4, 10-18-93; Ord. No. 07-23, § 5, 6-5-07)

Sec. 14-135. Indemnity agreement and insurance.
(a) Every permittee under this article shall execute and file with the city clerk an indemnity agreement in a form acceptable to the city. The indemnity agreement shall provide that the permittee agrees to indemnify and hold the city, and all of the city's officials, officers, agent and employees harmless from any liability whatsoever from any and all claims, demands, actions or causes of action for personal injury, including death, or property damage arising from or in any way connected to the assembly, special event or street closing, except only any claims arising solely from the negligent acts of the city or its officials, officers, agents and employees.

(b) Every permit holder shall execute and file with the city clerk general liability insurance certificate showing the city as an additional insured.

(Ord. No. 2595, § 5, 10-18-93; Ord. No. 07-23, § 6, 6-5-07)

Sec. 14-136. Limitation of liability.

This article shall not be construed as imposing upon the city or any of its officials, officers, agents or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which any permit has been issued. The city and its officials, officers, agents and employees shall not be deemed to have assumed any liability or responsibility by reason of inspections permitted, the issuance of any permit, or the approval of the use of any right-of-way.

(Ord. No. 2595, § 6, 10-18-93)

Sec. 14-137. Public notice required.

Permittee may also be required to specifically inform private property and business owners who might be inconvenienced during the event.

(Ord. No. 2595, § 7, 10-18-93)

Sec. 14-138. Sanitation and clean-up.

A permit may be issued only after adequate waste disposal facilities have been identified and obtained by permittee. Permittee will clean the right-of-way of rubbish and debris, returning it to its pre-event condition, within 24 hours of the conclusion of the event. If the permittee fails to clean-up such refuse, such clean-up shall be arranged by the city and the costs charged to permittee.

(Ord. No. 2595, § 8, 10-18-93)

Sec. 14-139. Other permits required.

Permittee shall obtain any other permits that may be required by the city or any other governmental entity for the assembly, special event, or street closing.

(Ord. No. 2595, § 9, 10-18-93)
Sec. 14-140. Revocation of permit.

All permits issued pursuant to this article shall be temporary and do not vest any permanent rights. A permit may be revoked for cause including any of the following reasons:

1. The application is incomplete or contains false information;
2. The applicant fails to comply with all the terms and conditions of this article and the permit;
3. Conditions of public emergency such as natural disaster, public calamity, riot, or similar emergencies which necessitate suspension of the permit.

Revocation of a permit may be appealed by the same process as an appeal which results from denial of a permit.

(Ord. No. 2595, § 10, 10-18-93)

Sec. 14-141. Appeal procedure.

Any applicant whose permit application has been denied or any permittee whose permit has been revoked may request a review of such decision by the mayor. This request must be in writing and received by the mayor within five business days of the notice of permit denial or revocation. Applicant may appeal the decision of the mayor to the city council by filing written notice of such appeal with the city clerk within five business days of notice of denial of the appeal by the mayor. The city council shall set a hearing date within 15 days of receiving a request for appeal. At the hearing, the applicant is entitled to be heard and present evidence in his behalf. The city council shall determine whether the denial or revocation of the permit is justified.

(Ord. No. 2595, § 11, 10-18-93)

Sec. 14-142. Outdoor café; permits required.

(a) It shall be unlawful for any person to operate an outdoor café on public right-of-way without an outdoor café permit.

(b) The outdoor café permit shall allow a food service or liquor establishment located in the historic district of the city to operate an outdoor café subject to the requirements of this article.

(c) Subject to the requirements of the Code, the permit holder shall, as part of the right granted pursuant to the permit, be entitled to remove or exclude persons from the permit area during hours of business operation, and for the purposes of section 16-71 of the Code (trespass), such permittee is authorized to give notice to any such person to prevent such entry. No cover charge nor minimum purchase may be required for admittance to an outdoor café area in the public right-of-way.
Sec. 14-143. Application.

Application for an outdoor café permit shall be made on forms supplied by the city, and submitted to the city clerk, and shall, at minimum, include the following:

(a) The name, address, and telephone number, email address of the owner of the property and the food service establishment related to the permit.

(b) A copy of a valid permit license from the health officer.

(c) A scaled drawing of the proposed permit area which shows the location, size and type of the tables, chairs, trash receptacles and other equipment proposed to be used, location of ingress and egress, the curb line and any existing public or utility-owned equipment facilities in or adjacent to the area proposed which are visible to the eye, including but not limited to parking meters, trees, manhole covers and utility poles or openings.

(d) An operations plan specifying the proposed dates, days and hours of operation of the outdoor cafe, the hours of operation of the adjacent restaurant, scheduled maintenance of the permit area, maximum seating capacity, and method of providing security and maintenance.

(e) An original of a certificate of insurance listing the required coverage amounts and policy periods of the permittee's general liability policies.

(f) An executed waiver of liability in a form approved by the city attorney.

(g) Any other information related to the requirements of this chapter that the city administrator may require.

(h) If the proposed outdoor café extends on to sidewalk areas abutting a property owned and/or operated by someone other than the applicant, the application shall include a written consent to said extension that includes the signature of the other owner and when applicable, the operator, as well.

(i) A permit fee of $50.00, for one-year outdoor café permit.

Sec. 14-144. Review of applications.

(a) The city administrator shall review the application for a sidewalk café permit and determine whether to issue the permit. No permit shall
be issued pursuant to this article unless the city administrator has determined the following:

(1) There are no outstanding fines, fees, taxes or other charges due and owed to the city by the applicant or the owners of the real property on which the establishment is located.

(2) The applicant has supplied all of the information required on or by the application, and any additional information requested by the city.

(3) All of the requirements of this article have been met.

(b) The city administrator may impose conditions upon the issuance of a sidewalk café permit in order to protect the use of adjacent right-of-way for its intended purpose, to prevent congestion of vehicular or pedestrian traffic flow and to otherwise carry out the purpose and intent of this article and this Code.

(Ord. No. 14-54, § 3, 12-1-14)

Sec. 14-145. Regulations.

(a) An outdoor café is permitted only on sidewalks. The permit area shall be immediately adjacent to the establishment requesting the permit, or on sidewalks contiguous to the sidewalk adjacent to the establishment. If the proposed café area extends to areas abutting the property of another, the consent of that property owner shall be obtained before such area is approved as part of the permit.

(b) No permit will be allowed if seats or equipment in the outdoor café result in the need for additional restrooms or additional parking and unless such additional restrooms or parking are provided.

(c) The hours when service is permitted at the outdoor café shall be during business hours of the permittee.

(d) Any person making use of an outdoor café shall do so in a reasonable manner with due regard for the health and safety of persons and property. No permittee shall make any physical alteration to public property without the written permission of the city administrator. A permittee shall owe a duty to the City of Macomb and third persons to maintain the permit area in a clean, safe and sanitary condition.

(e) The permittee shall keep the permit area free of litter, cans, bottles and spills at all times. The permittee shall promptly collect and dispose of all litter, trash and other waste materials associated with the outdoor café, including waste material in the adjacent public right-of-way. This includes but is not limited to cigarette butts, gum, food material, glass ware, and bodily fluid. The permittee shall dispose of any such waste in their trash containers only. Permitee shall power wash the permit area no less than twice per year, or
additional times as needed.

(f) Serving areas within the permitted area must be organized in a way not to impede emergency exits.

(g) Upon the expiration or other termination of an outdoor café use permit, the permittee shall immediately remove all tables, chairs, furnishings, equipment and other items of personal property from the permit area. Any such items remaining upon the public right-of-way may be removed and disposed of by the city at the sole cost and expense of the permittee.

(h) Live music shall be allowed in permit area provided that it operates between the hours of 10:00 a.m. to 9:00 p.m. Sunday through Thursday and 10:00 a.m. to 10:00 p.m. Friday and Saturday. This provision shall not prohibit piped-in sound. All music in outdoor cafés shall not disturb the occupants of neighboring structures or persons on public right-of-way.

(i) Only the following types of furniture or other equipment may be located in an outdoor café:

1. Tables and chairs.
2. Umbrellas, provided they do not exhibit advertisement of any kind.
3. Waste receptacles.
4. Fencing or other physical barriers along the boundary of the permit area.
5. Busing carts or pay station.
6. Portable heaters.
7. One sandwich board sign or menu sign.

Said furniture and other equipment may be chained or otherwise secured together as a unit, and shall not be required to be removed on a nightly basis.

(j) The maximum allowable dimension for tables shall be 48 inches in diameter, 48 inches in width or length, and 30 inches in height.

(k) Tables shall be freestanding with detached chairs or seating, unless it is determined that another design meets the intent of these regulations and a specific exception is permitted in writing by the city administrator.

(l) Umbrellas shall have a maximum diameter of ten feet, a weighted base and be fabric covered. The umbrellas shall have a minimum seven-foot height clearance, and at no time shall obstruct pedestrian flow. No portion of any umbrellas shall extend beyond the boundaries of the café.

(m) No signs, banners, sandwich boards or other like advertising, except for one sandwich board, no larger than six square feet in area on any one of two sides, no greater than four feet in height, shall be
located in the permit area.

(n) Tables, chairs, umbrellas, sandwich boards, and other permissible equipment shall be located in the outdoor café area so that there remains open, at all times, a longitudinal walking space, the location of which shall be determined by the community development coordinator and the public works director or designee, of a minimum of four feet in width, which distance may be increased if the community development coordinator or the public works director deem it necessary for pedestrian safety, with a cross-slope not to exceed Americans with Disability Act (ADA) requirements.

(o) The placement of portable heaters must be reviewed and approved by the city’s fire chief.

(p) The city administrator may promulgate administrative rules which relate to the requirements contained in this article. Such rules shall be attached to the permit and be followed by the permittee.

(Ord. No. 14-54, § 3, 12-1-14)

Sec. 14-146. Temporary nature of use.

(a) The use of a public sidewalk as an outdoor café shall be subject to temporary suspension or termination at any time by the city in the interest of the public health, safety and welfare. To the extent that a permit area is needed by the city for the purposes for which it was dedicated, or any other public purpose, the city may immediately terminate the revocable use permit by sending written notice to the permittee and assume full possession and control of the permit area. The permittee shall remove all furniture from the right-of-way within the time specified by the notice. If the furniture is not removed by the permittee, the city shall be authorized to remove all furniture and other objects of permittee from the permit area.

(b) If such furniture is not reclaimed by the permittee within seven days after removal by the city, the property shall be presumed abandoned and subject to disposal according to law.

(Ord. No. 14-54, § 3, 12-1-14)

Sec. 14-147. Public property.

The provisions of this section shall apply only to the locating of outdoor cafés on public property or public right-of-way and shall not apply to any private property.

(Ord. No. 14-54, § 3, 12-1-14)

Sec. 14-148. Indemnification; payment for cleaning or damages.

(a) As an express condition of the issuance of the permit, each permittee shall agree in writing to indemnify and hold harmless the city against all claims, liability, loss, injury, death or damage whatsoever in
connection with or arising out of the use of the outdoor café by anyone, except where the claim is the result of the sole negligence of the city.

(b) As an express condition of the issuance of the permit, the permittee shall agree to, within seven days after the billing date, pay to the city all costs associated with damage to the pavement or other city-owned facilities located in or adjacent to the permit area caused by operation of the food service establishment, or the cleaning of or trash removal from the permit area or adjacent premises occasioned by the failure of the permittee to clean or remove such trash.

(c) The city administrator is authorized to execute the agreements required in subsections (a) and (b) above after the form thereof has been approved by the city attorney.

(Ord. No. 14-54, § 3, 12-1-14)

Sec. 14-149. Insurance requirements.

All persons, prior to receiving a permit, shall procure and maintain for the duration of the permit, public liability and property damage insurance pertaining to the permit area in a minimum amount of $2,000,000.00 per person and $2,000,000.00 in the aggregate per occurrence and property damage in a minimum amount of $2,000,000.00, which shall name the City of Macomb, its officers and employees as additional insureds and the same shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advance written notice to the city. Proof of such insurance, issued by an insurance company licensed to do business in the State of Illinois in the form of a certificate of insurance, shall be attached to the application.

(Ord. No. 14-54, § 3, 12-1-14)

Sec. 14-150. Enforcement.

(a) The city may inspect the permit area at any time. The city shall mail or deliver the results of the inspection to the permittee.

(b) Any violations of the provisions of this article shall be remedied within the time given in the notice or if not stated in the notice, within seven calendar days from the date of delivery or post-mark on the notice.

(c) The city may suspend or revoke the issued outdoor café permit for violations of the provisions of this article.

(Ord. No. 14-54, § 3, 12-1-14)

Secs. 14-151—14-159. Reserved.

ARTICLE VIII. COMMUNITY ANTENNA TELEVISION (CATV) [5][59]

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Sec. 14-216. Unauthorized reception, use, or sale of cable services.

Sec. 14-160. Short title.

This article VIII of chapter 14 of the Municipal Code of Macomb, Illinois shall be known and by be cited as the "Macomb Cable Television Regulatory and Franchising Ordinance of 1992."
Sec. 14-161. Definitions.

The following words shall have the meaning set forth in this section unless the context shall clearly require otherwise:

*Act* means the Cable Communications Policy Act of 1984 (47 USC 521 et seq.).

*Basic cable service* means any service tier which includes the transmission of local television broadcast signals.

*Broadcast services* means a broad category of programming which is received from broadcast television, low-power television, and radio stations and is capable of being received in the city.

*Cable communication system* or *system*, also referred to as "cable television system," "cable system," "CATV system," or "community antenna TV system" means a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment, that is designed to provide cable service, which includes video programming and which is provided to multiple subscribers within a community, but such term does not include:

1. A facility that serves only to retransmit the television signals of one or more television broadcast stations;
2. A facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control, or management, unless such facility uses any public right-of-way;
3. A facility of a common carrier, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers; or
4. Any facilities of any electric utility used solely for operating its electric utility system.

*Cablecast signal* means a nonbroadcast signal that originates within the facilities of the cable communications system.

*Cable service* means the total of the following:

1. The one-way transmission to subscribers of video programming or other programming services; and
2. Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

*Channel* or *cable channel* means a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel as defined by the Federal Communications Commission.

*Commence construction* means the time and date when construction of the cable communications system is considered to have commenced, which shall be when the first
connection is physically made to a utility pole, or undergrounding of cables is initiated, after preliminary engineering (strand mapping) and after all necessary permits and authorizations have been obtained.

Commence operation means that time and date when operation of the cable communications system is considered to have commenced which shall be when sufficient distribution facilities have been installed so as to permit the offering of full services to a dwelling unit located within the franchise area and such services are actually subscribed to by a resident of the franchise area.

Commercial use channel(s) means the channel capacity designated for commercial use as defined and required by federal law.

Completion of construction means that point in time when all distribution facilities specified in the franchise agreement have been installed by the grantee so as to permit the offering of cable service to all of the potential subscribers in the franchise area, as well as the provision, in an operational state, of any facilities required by the franchise agreement.

Control or controlling interest means actual effective working control through direct ownership or otherwise of the cable system and however exercised by any person or persons.

Converter means as electronic device which converts signal carriers from one form to another.

Developed parcel means any area of the city where there are at least 30 occupied homes per mile to be served by either aerial cable plans or by cable underground plans as measured from the closest cable television distribution facility.

Dwelling unit means any individual or multiple residential place of occupancy.

FCC means the Federal Communications Commission and any legally appointed or elected successor.

Franchise means the right granted through a franchise agreement between the city and a person by which the city authorizes such person to erect, construct, reconstruct, operate, dismantle, test, use and maintain a system in the city.

Franchise agreement means a contractual agreement entered into between the city and any grantee hereunder which is enforceable by city and said grantee and which sets forth the rights and obligations between city and said grantee in connection with the franchise.

Franchise fee means any assessment imposed hereunder by the city on a grantee solely because of its status thereas. The term "franchise fee" does not include:

1. Any tax, fee, or assessment of general applicability (including any such tax for or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee or assessment which is unduly discriminatory against grantee;

2. Capital costs which are required by the franchise to be incurred by grantee for educational or governmental access facilities;

3. Requirements or charges incidental to the awarding or
enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties or liquidated damages; or

(4) Any fee imposed under Title 17, United States Code.

**Grantee** or **applicant** means any person granted a franchise hereunder, its agents, employees, or subsidiaries.

**Grantor** means the city.

**Gross revenues** means all cash, credits, property of any kind or nature or other consideration derived directly or indirectly by a grantee, its subsidiaries, or any other person in which the grantee has a financial interest or which has a financial interest in the grantee arising from or attributable to operation of the system, including, but not limited to:

(1) Revenue from all charges for services provided to subscribers of entertainment and nonentertainment services;

(2) Revenue from all charges for the insertion of commercial advertisements upon the system;

(3) Revenues from all charges for leased access or use of studios;

(4) Revenue from all charges for the installation, connection and reinstatement of equipment necessary for utilization of the system and provision of subscriber and other services;

(5) Revenue from the sale, exchange or use or cablecast of any programming developed on the system for community or institutional use; or

(6) Revenue from the sale or use of the system's subscriber list.

"Gross revenues" shall include in value at retail price levels, the value of any goods, services, or other remuneration in nonmonetary form received by the grantee or others described above in consideration of the performance of any advertising or other service on the system, provided, however, that the value of joint promotions between the grantee and other local media shall not be included.

**Initial service area** means the area of the city which will receive service initially, as set forth in the franchise agreement.

**Installation** means the connection of the system from feeder cable to subscribers' terminals, and the provision of service.

**Leased access** means the use of the system by any business enterprise or other entity whether profit, nonprofit or governmental to render services to the citizens of the city, and shall include, without limitation, all use pursuant to Section 532 of the Act.

**Local origination channel** means any channel where the grantee or its designated agent is the primary programmer, and provides video programs to subscribers.

**Pay-cable, pay-television, or pay-per-view** means the delivery to
subscribers, over the cable communications system, of television signals for a fee or charge to subscribers over and above the charge for basic cable service, on a per program, per channel, or other subscription basis.

Person means any individual, firm, corporation, partnership, association, joint venture or organization of any kind and the lawful trustee, successor, assignee, transferee or personal representative thereof.

Education/government access facilities or EG access facilities means the total of the following:

1. Channel capacity designated for educational or governmental use; and
2. Facilities and equipment for the use of such channel capacity.

Resident means any person residing in the city as otherwise defined by applicable law.

School means any public or private elementary school, secondary school, junior college, college or university which conducts classes or provides instructional services and which has been granted a certificate of recognition by the State of Illinois.

Service area or franchise area means the entire geographic area within the city designated in a franchise agreement to receive cable service.

Street means the surface of and the space above and below any public street, road, highway, freeway, easement, lane, path, alley, court, sidewalk, parkway, driveway or other public way now or hereafter existing as such within the city.

Subscriber shall mean any person who legally receives any one or more of the services provided by the system.

(Ord. No. 2531, § 3, 8-17-92)

Sec. 14-162. Intent.

The city finds that the development of cable communications systems has the potential of great benefit and impact upon the residents of Macomb. Because of the complex and rapidly changing technology associated with cable television, the city finds that the public health, safety and general welfare can best be served by establishing certain regulatory powers in the city as this article shall designate. It is the intent of this article to provide for the means to attain the best possible communication and developmental results in the public interest and for such public purpose, in these matters; and any franchise granted pursuant to this article shall be deemed to include these findings as an integral part thereof.

(Ord. No. 2531, § 4, 8-17-92)

Sec. 14-163. Police powers.

Nothing in this article or in any franchise agreement hereunder shall be construed as an abrogation by the city of any of its police powers.
Sec. 14-164. Grant of franchise.

(a) Application. All applicants for a franchise under this article shall prepare and file a written application with the city in such form as the city shall designate.

(b) Review of application. Upon receipt of an application under this article, the city shall review the same and make the application available for public inspection at such places as the city shall designate. A decision shall be made on the application by the city after evaluation thereof. The city may grant one or more franchises, or may decline to grant any franchise.

(c) Franchise required. Subject to federal and state law, no cable system shall be allowed to occupy or use the streets in the franchise area or be allowed to operate without a franchise granted in accordance with the provisions of this article.

(d) Franchise nonexclusive. Any franchise granted under this article shall be revocable and nonexclusive.

(e) Franchise requirements. Grantor may establish appropriate requirements for new franchises or franchise renewals, and may modify these requirements from time to time to reflect changing conditions and technology in the cable industry.

(f) Grant. In the event the grantor shall grant to a grantee a nonexclusive, revocable franchise to construct, operate, maintain and reconstruct a cable system within the franchise area or a renewal of an existing franchise, said franchise shall constitute both a right and an obligation to provide the service of a cable system as required by this article and the terms of the franchise agreement.

(g) Conflict with federal or state laws. Any franchise granted under this article shall be consistent with federal laws and regulations and state general laws and regulations. In the event of a conflict between the terms and conditions of the franchise agreement and the terms and conditions of federal or state law under which grantor can grant a franchise, except where the application of such federal or state law would impose inconsistent or additional material obligations or duties upon grantee, such general law or requirements shall control.

(h) Ordinance revisions. Any franchise granted under this article, is hereby made subject to any revisions of this article or the general ordinances of the city, provided that such revisions do not materially alter or impair the obligations of grantee set forth in any franchise agreement.

(i) Term. The term of any new or renewal franchise granted under this article, shall be established in the franchise agreement, provided that
in no event shall any franchise granted under this article exceed the term of 15 years.

(Ord. No. 2531, § 6, 8-17-92)

Sec. 14-165. Transfer of ownership control.

(a) Transfer of franchise. Any franchise granted under this article shall be a privilege to be held for the benefit of the public. Any franchise so granted cannot, in any event, be sold, transferred, leased, assigned or disposed of, including, but not limited to, by forced or voluntary sale, merger, consolidation, receivership, or other means, without the prior written consent of the grantor, and then only under such reasonable conditions as the grantor may establish. Such consent as required by the grantor, shall be given or denied no later than 90 days following any request, and shall not be unreasonably withheld. Prior consent shall not be required when transferring the franchise between wholly-owned subsidiaries of the same entity.

(b) Ownership or control. The grantee shall promptly notify in writing the grantor of any proposed change in, or transfer of, or acquisition by any other party of, control of the grantee. A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or transfer by any person or group of persons of 25 percent or more of the beneficial ownership interest of the grantee. Every change, transfer, or acquisition of control of the grantee shall make the franchise subject to cancellation unless and until the grantor shall have consented in writing thereto, which consent shall be given or denied no later than 90 days following any request, and shall not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, the grantor may inquire into the qualifications of the prospective controlling party, and the grantee shall assist the grantor in any such inquiry. In seeking the grantee's consent to any change in ownership or control, the grantee shall have the responsibility:

(1) To show to the satisfaction of the grantor whether the proposed purchaser, transferee, or assigns (the "proposed transferee"), which in the case of a corporation, shall include all directors and all persons having a legal or equitable interest in five percent or more of the voting stock:

   a. Has ever been convicted or held liable for acts involving moral turpitude including, but not limited to, any violation of federal, state or local law or regulations, or is presently under an indictment, investigation or complaint charging such acts;

   b. Has ever had a judgment in an action for fraud, deceit or misrepresentation entered against it, her, him, or them by and court of competent jurisdiction; or

   c. Has pending any legal claim, lawsuit or administrative proceeding arising out of or involving a
To establish, to the satisfaction of the grantor, the financial solvency of the proposed transferee by submitting all current financial data for the proposed transferee which the grantee was required to submit in its franchise application, and such other data as the grantor may request. Financial statements shall be audited, certified and qualified by a certified public accountant.

To establish to the satisfaction of the grantor that the financial and technical capability of the proposed transferee is such as shall enable it to maintain and operate the cable system for the remaining term of the franchise under the existing franchise terms.

The grantor agrees that any financial institution having a pledge of the franchise or its assets for the advancement of money for the construction and or operation of the franchise shall have the right to notify the grantor that it, or its designee satisfactory to the grantor, shall take control and operate the cable system in the event of a grantee default in its financial obligations. Further, said financial institution shall also submit a plan for such operation that will ensure continued service and compliance with all franchise requirements during the term the financial institution exercises control over the system. The financial institution shall not exercise control over the system for a period exceeding one year unless extended by the grantor in its discretion, but during said period of time it shall have the right to petition the grantor to transfer the franchise to another grantee. Except insofar as the enforceability of this subsection may be limited by applicable bankruptcy, insolvency, reorganization, moratorium or similar laws affecting creditors' rights generally, and further subject to applicable federal, state or local law, if the grantor finds that such transfer after considering the legal, financial, character, technical and other public interest qualities of the applicant are satisfactory, the grantor shall transfer and assign the right and obligations of such franchise as in the public interest. The consent of the grantor to such transfer shall be given or denied no less than 90 days after any request, and shall not be unreasonably withheld.

The consent or approval of the grantor to any transfer by the grantee shall not constitute a waiver or release of the rights of the grantor in and to the streets, and any transfer shall by its terms, be expressly subject to the terms and conditions of any franchise.

In the absence of extraordinary circumstances, the grantor shall not approve any transfer or assignment of the franchise prior to completion of initial construction of the cable system.

In no event shall a transfer of ownership or control be approved without the successor in interest becoming a signatory of the franchise agreement.

(Ord. No. 2531, § 7, 8-17-92)

Sec. 14-166. Franchise fee.
(a) **Annual franchise payment.** A grantee of a franchise hereunder shall pay to the grantor an annual fee in an amount as designated in the franchise agreement, which amount shall not be less than five percent of grantee's gross revenues or such other amount as allowed by applicable law. Such payment shall commence as of the effective date of the franchise or any renewal date. The grantor, on an annual basis, shall be furnished a statement within 120 days of the close of the calendar year, either audited and certified by an independent certified public accountant or certified by a financial officer of the grantee, reflecting the total amount of the revenue and all payments, deductions and computations for the period covered by the payment. Upon ten days prior written notice, grantor shall have the right to conduct an independent audit of grantee's records, in accordance with generally accepted accounting procedures, and if such audit indicates a franchise fee underpayment of five percent or more, the grantee shall assume all reasonable costs of such an audit.

(b) **Acceptance by grantor.** No acceptance of any payment by the grantor shall be construed as a release or as an accord and satisfaction of any claim the grantor may have for further or additional sums payable as a franchise fee under this article or for the performance of any other obligations of the grantee.

(c) **Failure to make required payment.** In the event that any franchise payment or recomputed amount is not made on or before the dates specified herein, grantee shall pay an additional compensation:

1. An interest charge, computed from such due date, at an annual rate equal to the average rate of return on invested funds of the city during the period for which payment was due.

2. If the payment is late by 45 days or more, a sum of money equal to five percent of the amount due in order to defray those additional expenses and costs incurred by the grantor by reason of delinquent payment.

(d) **Payment schedule.** Payments shall be made in accordance with the schedule indicated in the franchise agreement.

(e) **Pass through.** Any grantee "pass through" or itemization of franchise fee costs on subscribers' bills, shall be in accordance with federal law.

(Ord. No. 2531, § 8, 8-17-92)

**Sec. 14-167. Revocation.**

(a) **Grounds for revocation.** If the grantee has been given due notice and a reasonable opportunity to cure, the grantor reserves the right to revoke any franchise granted hereunder and rescind all rights and privileges associated with the franchise in the following circumstances, each of which shall
represent a default under this article and a material breach of the franchise.

(1) If the grantee shall default in the performance of any of its material obligations under this article or under such documents, agreements and other terms and provisions entered into by and between the grantor and the grantee, subject to the provisions on cure.

(2) If the grantee should fail to provide or maintain in full force and effect, the liability and indemnification coverages or the security fund or bonds as required herein.

(3) If any court of competent jurisdiction, or any federal or state regulatory body by rules, decisions or other action determines that any material provision of the franchise documents, including this article, the franchise agreement and grantee's proposal is invalid or unenforceable prior to the commencement of initial system construction.

(4) If the grantee ceases to provide service for a period exceeding 30 days for any reason within the control of the grantee over the cable system, or abandons the management and/or operation of the system.

(5) If the grantee willfully violates any of the material provisions of this article or the franchise agreement or attempts to practice any fraud or deceit upon the grantor.

(6) If the grantee becomes insolvent, or upon listing of an order for relief in favor of grantee in a bankruptcy proceeding.

(b) Procedure prior to revocation.

(1) The grantor may make written demand that the grantee comply with any such requirement, limitation, term, condition, rule or regulation or correct any action deemed cause for revocation. Such written demand shall detail the exact nature of the alleged noncompliance. In the event the stated violation is not reasonably curable within 90 days, the franchise shall not be terminated or revoked, or damages assessed, if the grantee provides within the said 90 days a plan, satisfactory to the grantor, to remedy the violation. If the failure, refusal or neglect of the grantee continues for a period exceeding 90 days following receipt of such written demand by the grantee, the grantor may place its request for termination of the franchise upon a regular council meeting agenda. The grantor shall cause notice to be served upon such grantee, at least 20 days prior to the date of such meeting, a written notice of this intent to request such termination, and the time and place of the meeting, notice of which shall be published at least once, ten days before such meeting, in a newspaper of general circulation within the franchise area.

(2) The grantor shall hear any persons interested
therein, and shall determine, within 90 days, based upon the
preponderance of the evidence, whether the grantee has committed a
material breach of this article or the franchise agreement, and if so,
whether such breach was willful.

(3) If the grantor determines that the grantee has
willfully committed a material breach, then the grantor may, by resolution,
declare that the franchise of such grantee shall be terminated and
security fund and bonds forfeited, or the grantor may, at its option and if
the material breach is capable of being cured by the grantee, direct the
grantee to take appropriate remedial action within such time and manner
and upon such terms and conditions as the grantor shall determine are
reasonable under the circumstances.

(Ord. No. 2531, § 9, 8-17-92)

Sec. 14-168. Procedures on termination.

(a) Disposition of facilities. Subject to federal, state and local
laws, in the event a franchise expires, is revoked, or otherwise terminated, the
grantor may order the removal of the above-ground system facilities from the
franchise area within a reasonable period of time as determined by the grantor
or require the original grantee to maintain and operate its cable system for a
period not to exceed 24 months as indicated in (d) below.

(b) Restoration of property. In removing its plant, structures,
and equipment, the grantee shall refill, at its own expense, any excavation that
shall be made by it and shall leave all public ways and places in as good
condition as that prevailing prior to the grantee's removal of its agreement
without affecting the electrical or telephone cable wires, or attachments. The
liability, indemnity and insurance, and the security fund and bonds provided,
shall continue in full force and effect during the period of removal and until full
compliance by the grantee with the terms and conditions of this section.

(c) Restoration by grantor; reimbursement of costs. In the
event of a failure by the grantee to complete any work required by subsection
(a) above and/or subsection (b) above, or any other work required by grantor by
law or ordinance, within 90 days after receipt of written notice, and to the
satisfaction of the grantor, the grantor may cause such work to be done and the
grantee shall reimburse the grantor the cost thereof within 30 days after receipt
of an itemized list of such costs or the grantor may recover such costs through
the security fund or bonds provided by grantee. The grantor shall be permitted
to seek legal and equitable relief to enforce the provisions of this section.

(d) Extended operation. Subject to federal, state and local
law, upon either the expiration or revocation of a franchise, the grantor may
require the grantee to continue to operate the cable system for a defined period
of time not to exceed 12 months from the date of such expiration or revocation.
The grantee shall, as trustee for its successor in interest, continue to operate
the cable communications system under the terms and conditions of this article.
and the franchise agreement and to provide the regular cable service and any of the other services that may be provided at that time.

(e) **Grantor's right not affected.** The termination and forfeiture of any franchise shall in no way affect any of the rights of the grantor under any provision of law.

(Ord. No. 2531, § 10, 8-17-92)

Sec. 14-169. Receivership and foreclosure.

(a) **Operation by receiver.** Any franchise granted shall, at the option of the grantor, cease and terminate 120 days after the appointment of a receiver or receivers or trustee or trustees to take over and conduct the business of the grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding unless such receivership or trusteeship shall have been vacated prior to the expiration of said 120 days, or unless:

(1) Such receivers or trustees shall have, within 120 days after their election or appointment, fully complied with all the terms and provisions of this article and the franchise granted pursuant hereto, and the receivers or trustees within said 120 days shall have remedied all defaults under the franchise; and

(2) Such receivers or trustees shall, within said 120 days, execute an agreement duly approved by the court having jurisdiction in the premises, whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise agreement.

(b) **Involuntary sale.** In the case of a foreclosure or other involuntary sale of the plans, property and equipment of the grantee, or any part thereof, the grantor may serve notice of termination upon the grantee and to the purchaser at such sale, in which event the franchise and rights and privileges of the grantee hereunder shall cease and terminate 30 days after service of such notice, unless:

(1) The grantor shall have approved the transfer of the franchise, as and in the manner in this article provided; and,

(2) Such successful purchaser shall have covenanted and agreed with the grantor to assume and be bound by all the terms and conditions of the franchise agreement.

(Ord. No. 2531, § 11, 8-17-92)

Sec. 14-170. Franchise processing costs.

(a) **New franchises.** For a new franchise award, the costs to be borne by the grantee shall include, but shall not be limited to, all costs of publication of notices prior to any public meeting provided for pursuant to a franchise, development and publication of relevant ordinances and franchise
agreement, fees, and any cost not covered by the application fees, incurred by the grantor in its study, preparation of proposal solicitation documents, evaluation of all applications, including, but not limited to, consultant and attorneys fees.

(b) Franchise renewal. For a franchise renewal, the grantee shall reimburse the grantor all processing costs of such renewal as provided by the renewal of the franchise agreement.

(c) Franchise transfer. For a franchise transfer, grantee, and/or the approved transferee, shall reimburse grantor for its processing costs as provided by the agreement approving the transfer.

(d) Other costs. The processing costs provided for in this section shall be in addition to any other inspection or permit fee or other fees due to grantor under any other ordinance.

(Ord. No. 2531, § 12, 8-17-92)

Sec. 14-171. Authority for use of streets.

(a) Use of streets. For the purposes of operating and maintaining a system in city, grantee may erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, across and along the streets within the city lines, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, pedestals, attachments and other property and equipment as are necessary and appurtenant to the operation of the system, provided that all applicable permits are applied for and granted, all fees paid and all other city codes and ordinances otherwise complied with. However, no rights hereunder may be transferred by grantee to any other entity except grantee’s construction agents.

(b) Filing plans. Prior to construction or alteration, grantee shall in each case file plans with all appropriate city departments and receive written approval of such plans, which approval shall not be unreasonably withheld. Grantee shall provide a monthly progress report to city through the completion of construction or alteration.

(c) Noninterference. Grantee shall construct and maintain the system so as not to interfere with other uses of streets. grantee shall make use of existing poles and other facilities available to grantee whenever practicable. Grantee shall individually notify all residents directly affected by proposed construction prior to the commencement of that work.

(d) Denial of use by grantor. Notwithstanding the above grant to use the streets, no street shall be used by grantee if city in its sole opinion, determines that such use is inconsistent with the conditions or provisions by which such street was created or dedicated, or presently used.

(Ord. No. 2531, § 13, 8-17-92)
Sec. 14-172. Conditions on use of streets.

(a) Limit interference. All transmission and distribution, structures, lines and equipment erected by grantee within the city shall be so located as to cause minimum interference with the proper use of streets and other public places and the rights and reasonable convenience of property owners who adjoin any of said streets or other public places.

(b) Restoration of streets. In case of disturbance of any street or public place, the grantee shall, at its own cost and expense and in a manner approved by the city engineer, replace and restore such area in as good a condition as before the work involving such disturbance was done.

(c) Tree trimming. The grantee shall comply with the provisions of the Macomb Tree Ordinance of 1992, as amended, being a part of the Municipal Code of Macomb, Illinois, section 21-41 et seq. Each grantee shall be responsible for, shall indemnify, defend and hold harmless the city and its officers, agents and employees from and against any and all damages arising out of or resulting from the removal, trimming, mutilation of or injury to any tree or trees proximately caused by the grantee or its officers, agents, employees, contractors or subcontractors.

(Ord. No. 2531, § 14, 8-17-92)

Sec. 14-173. Erection of poles.

(a) Consent to erection of poles. No franchise shall be deemed to expressly or impliedly authorize the grantee to construct or install poles or wire-holding structures within streets for the purpose of placing cables, wires, lines or otherwise without the written consent of the grantor. Such consent shall be given upon such terms and conditions as the city engineer in his sole discretion may prescribe, which shall include a requirement that the grantee perform, at its sole expense, all tree trimmings required to maintain the poles clear of obstructions in accordance with section 14-172(c).

(b) Access to poles. With respect to any poles or wire holding structures which a grantee is authorized to construct and install within streets, a public utility serving the city may, if denied the privilege of utilizing such poles or wire-holding structures by the grantee, apply for such permission to the city engineer. If the city engineer finds that such use would enhance the public convenience and would not unduly interfere with the grantee’s operations, he may authorize such use subject to such terms and conditions as he deems appropriate. Such authorization shall include the condition that the public utility pay to the grantee any and all actual and necessary costs incurred by the grantee in permitting such use.

(Ord. No. 2531, § 15, 8-17-92)

Sec. 14-174. Undergrounding.
(a) **Underground installation required.** Except as hereinafter provided, in all areas of the city where the cables, wires and other like facilities of a public utility are placed underground, each grantee shall construct and install its cables, wires and other facilities underground. Amplifier boxes and pedestal mounted terminal boxes may be placed aboveground if existing technology reasonably requires, but shall be of such size and design and shall be so located as not to be unsightly or unsafe, in any area of the city where there are certain cables, wires and other like facilities of a public utility underground and at least one operable cable, wire or like facility of a public utility is suspended above the ground from poles, a grantee may construct and install its cables, wires and other facilities from the same pole with permission of the city engineer.

(b) **Relocation underground.** With respect to any cables, wires and other like facilities constructed and installed by a grantee aboveground, the grantee shall, at its sole expense reconstruct and reinstall such cables, wires, or other facilities underground pursuant to any project under which the cables, wires or other like facilities of all like utilities are placed underground within an area.

(Ord. No. 2531, § 16, 8-17-92)

Sec. 14-175. Relocation.

If, during the term of a franchise, the city, a public utility, a sanitary district or any other similar special district elects to alter, repair, realign, abandon, improve, vacate, reroute or change the grade of any street or to replace, repair, install, maintain, or otherwise alter any aboveground or underground cable, wire, conduit, pipe, line pole, wire-holding structure, or other facility utilized for the provisions of utility or other services or transportation or drainage, sewage or other liquids, the grantee, shall except as otherwise hereinafter provided, at its sole expense, remove or relocate as necessary its poles, wires, cables, underground conduits, manholes and any other facilities which it has installed. If such removal or relocation is required within the subdivision in which all utility lines, including those for the system, were installed at the same time, the entities may decide among themselves who is to bear the cost of relocating; provided, that the city shall not be liable to a grantee for such costs. Regardless of who bears the costs, a grantee shall take action to remove or relocate at such time or times as are directed by the agency undertaking the work. Reasonable advance written notice shall be mailed to the grantee advising the grantee of the date or dates that the removal or relocation is to be undertaken.

(Ord. No. 2531, § 17, 8-17-92)


Each grantee shall, upon request by any person holding a building moving permit or other approval issued by the city, temporarily remove, raise or lower its wires to permit the movement of buildings. The expense of such removal, raising or lowering shall be paid by the persons requesting same, and a grantee shall be authorized to require such payment in advance. A grantee shall be given not less than 30 days written notice to arrange
Sec. 14-177. System design and construction.

(a) **System design.** A cable system shall be a minimum of 450 MHZ bandwidth.

(b) **Coverage.** Grantee shall design and construct the cable system in such a manner as to have the capability to pass and service every dwelling and business, school or public agency within the franchise area. Service shall be provided to subscribers in accordance with the schedules and line extension policies specified in the franchise agreement. Cable system construction and provision of service shall be nondiscriminatory, and grantee shall not delay or deter service to any section of the franchise area on the grounds of economic preference.

(c) **Cable casting facilities and channel capacity.** Grantee shall provide cable casting facilities and channel capacity in accordance with the requirements of the franchise agreement.

(d) **System construction schedule.**

(1) Grantee shall comply with the requirements of the system construction or upgrade schedule contained in the franchise agreement.

(2) Grantee shall provide a detailed construction or upgrade plan indicating progress schedules, area construction maps, test plan, and projected dates for adding service. In addition, grantee shall update this information on a monthly basis, by submitting a copy of its normal internal progress reports, showing specifically whether schedules are being met and the reason for any delays.

(e) **Provision of service.** After service has been established by activating trunk and distribution cables for any area, grantee shall provide service to any requesting subscriber within the area within 30 days from the date of the request.

Sec. 14-178. Construction standards.

To the extent permitted by law:

(1) Each grantee shall construct, install and maintain its system in a manner consistent and in compliance with all applicable laws, ordinances, construction standards, governmental requirements, and technical standards equivalent to those established by the FCC. Each grantee shall provide to the city, upon request, written reports of the grantee's annual proof of performance tests conducted pursuant to FCC standards and requirements.
Each grantee shall at all times comply with the National Electrical Safety Code (National Bureau of Standards); National Electrical Code; National Bureau of Fire Underwriters; applicable FCC and other federal, state and local regulations; and codes and other ordinances of the city.

In any event, the system shall not endanger or interfere with the safety of persons or property within the city or other areas where the grantee may have equipment located.

All working facilities, conditions, and procedures, used or occurring during construction and maintenance of the system, shall comply with the standards of the Occupational Safety and Health Administration.

Construction, installation and maintenance of the system shall be performed in an orderly and workmanlike manner, and in close coordination with public and private utilities serving the city, following accepted construction procedures and practices and working through existing committees and organizations.

All cable and wires shall be installed, where possible, parallel with electric and telephone lines, and multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations.

Any antenna structure used in the system shall comply with construction, marking and lighting of antenna structures required by the United States Department of Transportation.

RF leakage shall be checked at reception locations for emergency radio services so as to prove no interference signal combinations are possible. Radiation shall be measured adjacent to any proposed aeronautical navigation or communication radio sites to prove no interference to air navigational reception.


(a) Standards. The cable communications system shall meet all technical and performance standards contained in the franchise agreement.

(b) Test and compliance procedure. The grantee shall submit, within 60 days after the effective date of the franchise agreement, a detailed test plan describing the methods and schedules for testing the cable system on an ongoing basis to determine compliance with the provisions of the franchise agreement. The tests for basic cable service shall be performed at intervals no greater than 12 months. The tests may be witnessed by representatives of the grantor, and written test reports shall be submitted to the grantor. If more than ten percent of the locations tested fail to meet the performance standards, the grantee shall be required to indicate what corrective measures have been taken, and the entire test shall be repeated. A second
(c) **Special tests.** At any time after commencement of service to subscribers, the grantor may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber’s terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance, and such tests shall be limited to the particular matter in controversy. The grantor shall endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to grantee or to the subscriber.

(d) **Costs of tests.** The costs of all tests required by (b) and (c) above, and retesting as necessary, shall be borne by the grantee, except that if grantor requires the utilization of outside consultants or test personnel, such costs shall be borne by the grantor.

(Ord. No. 2531, § 21, 8-17-92)

**Sec. 14-180. Standby power.**

Each system shall include the equipment capable of providing standby powering which is specified in the franchise agreement. The system shall incorporate safeguards necessary to prevent injury to linemen resulting from a standby generator powering a "dead" utility line.

(Ord. No. 2531, § 22, 8-17-92)

**Sec. 14-181. Override capability.**

Each system shall include an emergency alert capability which will permit the city, in times of emergency, to override by remote control the audio and/or video of all channels simultaneously under the conditions and in the manner specified in the franchise agreement, and including those capabilities for alternate broadcast so specified therein.

(Ord. No. 2531, § 23, 8-17-92)

**Sec. 14-182. Interconnection.**

The system shall be interconnected with other systems within the city and adjacent areas as may be specified in the applicable franchise agreement.

(Ord. No. 2531, § 24, 8-17-92)

**Sec. 14-183. Services.**

(a) **Service provided.** The grantee shall provide, as a minimum, the initial services listed in the franchise agreement. Services shall not be reduced without prior notification to grantor.
(b) **Basic cable service.** The "basic cable service" shall include any service tier which includes the retransmission of local television signals. This service shall be provided to all subscribers at the established monthly subscription rates.

(c) **Local origination channels.** If local origination programming is provided, the grantee shall operate any cable casting studios on a high-quality, professional basis for the purpose of providing cable cast programming responsive to local needs and interests.

(d) **Educational and government (EG) access facilities.** The grantee shall provide the EG access facilities, including channel capacity, necessary interface equipment and cabling to permit operation as specified in the franchise agreement.

(e) **Cable channel for commercial use.** The grantee shall designate channel capacity for commercial use as required by the Act and applicable law.

(Ord. No. 2531, § 25, 8-17-92)

**Sec. 14-184. Consumer service standards.**

The grantee shall maintain a local office to provide the necessary facilities, equipment and personnel to comply with the following consumer standards under normal conditions of operation:

1. **Telephone lines.** Sufficient toll-free telephone line capacity to ensure prompt response to consumer complaints and inquiries during normal business hours in a manner which is sufficient to meet the reasonable community needs. The grantee shall use best efforts under normal operating conditions to ensure that a minimum average of 85 percent of all callers for service will not be required to wait more than three minutes before being connected to a service representative. The company shall be excused from achieving this goal where conditions exist which are outside of its reasonable ability to control, or where there are system interruptions, outages, or other activities which are designed to maintain or improve cable service or the system. In the event that the grantee is unable to achieve the operating goals set forth herein, the grantor and the grantee shall mutually agree to the addition or deletion of toll-free telephone lines and customer service representatives, the consent for which shall not be unreasonably withheld by either party.

2. **Emergency telephone services.** Emergency toll-free telephone line capacity on a 24-hour basis, including weekends and holidays.

3. **Local office.** A business and service office, within the city, open during normal business hours and also at times which permit access by subscribers who work normal business hours, and adequately staffed to accept subscriber payments and respond to service requests and complaints.

4. **Maintenance staff.** An emergency system maintenance
and repair staff, capable of responding to and repairing major system malfunctions on a 24-hour basis.

(5) **Installation staff.** An installation staff, capable of installing service to any subscriber within seven days after receipt of a request, in all areas where trunk and feeder cable have been activated.

(6) **Installation scheduling.** Grantee shall schedule, within a specified four-hour time period, all appointments with subscribers for installation or service.

(Ord. No. 2531, § 26, 8-17-92)

Sec. 14-185. Service and repair requests.

(a) **Service standards.** The grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Scheduled interruptions, insofar as possible, shall be preceded by notice and shall occur during periods of minimum use of the system. A written log or an equivalent stored in computer memory and capable of access and reproduction, shall be maintained for all service interruptions and requests for cable service as required by this article.

(b) **Repair standards.** The grantee shall maintain a repair force of technicians normally capable of responding to subscriber requests for service within the following time frames:

1. **System outage.** Except in unusual and unforeseen circumstances, within two hours, including weekends, of receiving subscribers calls which by number identify a system outage of sound and picture of one or more channels, affecting all the subscribers of the system or two percent thereof.

2. **Isolated outage.** Within 24 hours, including weekends, of receiving requests for service identifying an isolated outage (less than two percent of subscribers) of sound or picture for one or more channels.

3. **Inferior reception quality.** Within 48 hours, including weekends, of receiving a request for service identifying a problem concerning picture or sound quality.

Grantee shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives at the service location and begins work on the problem. In the case of a subscriber not being home when the technician arrives, response shall be deemed to have taken place if the technician leaves written notification of arrival.

(Ord. No. 2531, § 27, 8-17-92)

Sec. 14-186. Proof of compliance.

(a) **Compliance records.** Upon reasonable notice, grantee
shall demonstrate compliance with any or all of the standards required by sections 14-183 and 14-184. Grantee shall provide sufficiently detailed information to permit grantor to readily verify the extent of compliance.

(b) **Breach for noncompliance.** Except as provided by section 14-183(a), concerning addition or deletion of toll-free telephone lines, a repeated and verifiable pattern of noncompliance with the consumer protection standards of section 14-183 and 14-184, after grantee's receipt of due notice and an opportunity to cure, may be termed a breach of franchise, subject to any and all remedies prescribed in this article, the Act and applicable law.

(Ord. No. 2531, § 28, 8-17-92)

**Sec. 14-187. Complaint procedures.**

(a) **Complaints to grantee.** Grantee shall establish written procedures for receiving, acting upon and resolving subscriber complaints without intervention by the grantee. The procedures shall prescribe the manner in which a subscriber may submit a complaint, either orally or in writing. At the conclusion of grantee's investigation of a subscriber complaint, but in no event more than ten days after receiving the complaint, grantee shall notify the subscriber of the results of the investigation and its proposed action or resolution, if any. The grantee shall also notify the subscriber of the subscriber's right to file a complaint with the grantor in the event the subscriber is dissatisfied with the grantee's decision.

(b) **Complaints to grantor.** A subscriber who is dissatisfied with grantee's proposed decision, shall be entitled to have the complaint reviewed by the grantor. The subscriber shall initiate the review by filing a complaint, together with the grantee's decision, if any, with the grantor, and by the grantor notifying the grantee of the filing. The subscriber shall make such filing and notification within 20 days of receipt of grantee's decision or, if no grantee decision has been provided, within 30 days after filing the original complaint with grantee. The grantor may extend these time limits for reasonable cause.

(c) **Review by the grantor.** The grantor shall determine, upon a review of a subscriber complaint and the grantee's decision, if any, whether further action is warranted. In the event the grantor does not initiate further proceedings within 15 days of the filing of the complaint, the grantee's proposed action or resolution shall be final. If the grantor decides to initiate further investigation, the grantor shall require the grantee and the subscriber to submit, within ten days of notice thereof, a statement of the facts and arguments in support of their respective positions. The grantor shall issue a written decision within 15 days of receipt of the statements or, if a hearing is requested, within 15 days of the conclusion of the hearing, setting forth the basis of the decision. The decision may be appealed to the city council.

(d) **Remedies for violations.** The grantor may, as a part of a subscriber complaint decision issued under the provisions of this article, impose
damages on the grantee as specified in the franchise agreement. Damages may be imposed only if the grantor finds that the grantee has arbitrarily refused or failed without justification, to comply with the provisions of this section.

(Ord. No. 2531, § 29, 8-17-92)

Sec. 14-188. Subscriber notice.

(a) Operating policies. As subscribers are connected or reconnected to the cable system, and when grantee's procedures change, the grantee shall provide each subscriber with written information concerning the procedures for making inquiries or complaints, including the name, address and local telephone number of the employee or employees or agent to whom such inquiries or complaints are to be addressed, and also furnish information concerning the grantor office responsible for administration of the franchise with the name and telephone number of the office. The notice shall also indicate grantee's business hours, legal holidays and procedures for responding to inquiries after normal business hours.

The grantee shall provide all subscribers and the grantor written notice no less than 30 days prior to any proposed change in these policies.

(b) Rates and services. The grantee shall provide all subscribers and the grantor with at least 30 days written notice prior to the implementation of any change in rates or programming services.

(c) Copies to grantor. Copies of all notices provided to subscribers shall be filed concurrently with the grantor.

(Ord. No. 2531, § 30, 8-17-92)

Sec. 14-189. Quality of service.

The overall quality of service provided by grantee to subscribers may be subject to evaluation by grantor, not less often than once annually. In addition, grantor may evaluate the quality of service at any time, based upon the number of subscriber complaints received by the grantee, and the grantor, and grantee's response to those complaints. Grantor's evaluation that service quality is inadequate may lead to direction to grantee to cure the inadequacies. Grantee shall commence corrective action within 30 days after receipt of written notice. Failure to do so shall be deemed to be a breach of the franchise and subject to the remedies prescribed in this article. Grantor, after due process, may utilize the performance bond and/or security fund provided for in this article to remedy any such franchise breach.

(Ord. No. 2531, § 31, 8-17-92)

Sec. 14-190. Tenants' rights.

It is grantor's intent that tenants not be discriminated against in the ability to subscribe to cable service. Grantee shall be required to provide service to tenants in individual units of a multiple housing facility with all services offered to other dwelling units within the franchise area, so long as the owner of the facility consents in writing, if requested by grantee,
to the following:

(1) To grantee's providing the service to units of the facility;

(2) To reasonable conditions and time for installation, maintenance, and inspection of the system on the facility premises;

(3) To reasonable conditions promulgated by grantee to protect grantee's equipment and to encourage widespread use of the system; and

(4) To not discriminate in rental charges, or otherwise, between tenants who receive cable service and those who do not.

(Ord. No. 2531, § 32, 8-17-92)

Sec. 14-191. Rights of individuals.

(a) Discrimination prohibited. Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, access channel users, or general citizens on the basis of income, race, color, religion, national origin, age or sex. Grantee shall comply at all times with the Act and all other applicable federal, state and local laws and regulations, and all executive and administrative orders relating to nondiscrimination which are hereby incorporated and made part of this article by reference.

(b) Equal employment. Grantee shall strictly adhere to the equal employment opportunity requirements of federal, state and local law and regulations in effect on the date of the franchise grant, and as amended from time to time.

(c) Personal information. The grantee's policy with regard to personally identifiable information shall be consistent with federal law.

(d) Equal accessibility. The entire system of the grantee shall be operated in a manner consistent with the principle of fairness and equal accessibility of its facilities, equipment, channels, studios and other services to all citizens, businesses, public agencies and other entities having a legitimate use for the system, and no one shall be arbitrarily excluded from its use.

(e) Billing. Grantee shall observe the following procedures regarding its billing:

(1) Subscriber shall receive a monthly statement with a date for payment due.

(2) All statements shall clearly denote a postmark or initial date of bill.

(3) A phone number for bill adjustment shall be printed on the statement.

(4) The statement shall clearly state the dates of
service for which the subscriber is being billed.

(5) Billing complaints shall be resolved within one business cycle.

(6) Late payment charges and the time of institution shall be clearly stated.

(Ord. No. 2531, § 33, 8-17-92)

Sec. 14-192. Continuity of service.

(a) Right to continuous service. It shall be the right of all subscribers to continue receiving service insofar as their financial and other obligations to the grantee are honored. In the event that the grantee elects to overbuild, rebuild, modify, or sell the system, or the grantor gives notice of intent to terminate or fails to renew this franchise, the grantee shall act so as to ensure that all subscribers receive continuous, uninterrupted service.

In the event of a change of grantee, or in the event a new operator acquires the system, the original grantee shall cooperate with the grantor, new grantee or operator in maintaining continuity of service to all subscribers. During such period, grantee shall be entitled to the revenue for any period during which it operates the system, and shall be entitled to reasonable costs for its services when it no longer operates the system.

(b) Right of grantor to operate system. In the event grantee fails to operate the system for seven consecutive days without prior approval of the grantor or without just cause, the grantor may, at its option, operate the system or designate an operator until such time as grantee restores service under conditions acceptable to the grantor or a permanent operator is selected. If the grantor is required to fulfill this obligation for the grantee, then during such period as the grantor fulfills such obligation, the grantor shall be entitled to collect all revenues from the system, and the grantee shall reimburse the grantor for all reasonable costs or damages in excess of the revenues collected by the grantor that are the result of the grantee’s failure to perform.

(Ord. No. 2531, § 34, 8-17-92)

Sec. 14-193. Identification of employees.

Every employee of the grantee or its agents shall be clearly identified. All employees of grantee shall display proper identification upon request of a subscriber. Every vehicle of the grantee shall be similarly identified. The grantee’s telephone number shall also be clearly marked on all such vehicles.

(Ord. No. 2531, § 35, 8-17-92)

Sec. 14-194. Records.

(a) Open books and records. The grantee shall manage all of its operations in accordance with a policy of totally open books and records,
provided, however, in no event will grantee be required to disclose any information which it reasonably deems to be proprietary or confidential in nature. The grantor, upon reasonable notice, shall have the right to inspect at any time during normal business hours, all books, records, maps, plans, service complaint logs, performance test results and other like materials of the grantee which relate to the regulation of the franchise and are maintained at the local office required by section 14-184, provided that the grantor shall maintain the confidentiality of any trade secrets or other proprietary information in the possession of the grantee and provided further, that records shall be exempt from inspection pursuant to this section to the extent required by applicable law regarding subscriber privacy and to the extent such records are protected by law regarding subscriber privacy and to the extent such records are protected by law against discovery in civil litigation.

If any such books or records are not kept by the local office, or upon reasonable request made available to the grantor, and if the grantor shall determine that an examination of such records is necessary or appropriate to the performance of any of grantor's duties, then grantee shall make such records available locally.

(b) Required records. In any event the grantee shall at all times maintain:

(1) The complaint file required by section 14-203 herein;

(2) A full and complete set of plans, records, and "as-built" maps showing the exact location of all cable system equipment installed or in use in the franchise area, exclusive of subscriber service drops.

(Ord. No. 2531, § 36, 8-17-92)

Sec. 14-195. Regulatory authority.

The grantor shall exercise regulatory authority under the provisions of this article, the Act, and applicable law. If the franchise area served by the cable system also serves other contiguous or neighboring communities, grantor may, at its sole option, participate in a joint regulatory agency, with delegated responsibility in the area of cable and related communications.

(Ord. No. 2531, § 37, 8-17-92)

Sec. 14-196. Regulatory responsibility.

The grantor, acting alone or acting jointly with other grantors, may exercise or delegate the following regulatory responsibility:

(1) Administering and enforcing the provisions of the cable communications system franchise(s);

(2) Coordinating the operation of educational and government (EG) access channel and facilities;
(3) Providing technical, programming and operational support to public agency users, such as government departments, schools and health care institutions;

(4) Establishing jointly with the grantee, or as otherwise specified in the franchise agreement, procedures and standards for use of channels dedicated to public use and sharing of public facilities, if provided for in any franchise agreement;

(5) Planning expansion and growth of public benefit cable services;

(6) Analyzing the possibility of integrating cable communications with other local, state or national telecommunications networks;

(7) Formulating and recommending long-range telecommunications policy.

(Ord. No. 2531, § 38, 8-17-92)

Sec. 14-197. Public usage of the system.

If so specified in the franchise agreement the grantor may utilize a portion of the cable communication system capacity, and associated facilities and resources, to develop and provide noncommercial cable services that will be in the public interest. In furtherance of this purpose, the grantor may establish a commission, public corporation, or other entity to receive and allocate EG facilities, support funds and other considerations provided by the grantor, the grantee, and/or others. Such an entity, if established, may be delegated the following responsibilities:

(1) Receive and utilize or reallocate for utilization, channel capacity, facilities, funding and other support provided specifically for EG usage of the cable communications system.

(2) Establish, jointly with the grantee, operational procedures and guidelines for EG usage.

(3) Review the status and progress of each service developed for public benefit.

(4) Relocate resources jointly with the grantee on a periodic basis to conform with changing priorities and public needs.

(5) Report to the grantor and the grantee annually on the utilization of resources, the new public services developed and the benefits achieved for the grantor and its residents.

(Ord. No. 2531, § 39, 8-17-92)

Sec. 14-198. Rates.

The grantee shall establish rates for its services that must be applied on a
nondiscriminatory basis in the franchise area, except for commercial and bulk account rates, which are negotiated individually. The grantor reserves the right to assume rate regulation at any time in the future, if and when such regulation becomes lawful.

(Ord. No. 2531, § 40, 8-17-92)

Cable television rate regulation, § 14-231 et seq.

**Sec. 14-199. Performance review.**

At grantor’s sole option, within 90 days of the first anniversary of the effective date of each franchise, and each year thereafter throughout the term of the franchise, the grantor may hold a public hearing at which the grantee shall be present and shall participate to review the performance and quality of service of the cable system. The report required in this article regarding subscriber complaints, the records of performance tests and the opinion survey reports shall be utilized as the basis for review. In addition, any subscriber may submit comments or complaints during the review meetings, either orally or in writing, and these shall be considered.

1. **Performance report.** Within 30 days after the conclusion of the public hearing, grantor shall issue a report with respect to the adequacy of system performance and quality of service. If inadequacies are found, grantor may direct grantee to correct the inadequacies within a reasonable period of time.

2. **Breach upon failure to cure.** Failure of grantee, after due notice, to correct the inadequacies, shall be considered a breach of the franchise, and grantor may, at its sole discretion, exercise any remedy within the scope of this article considered appropriate.

(Ord. No. 2531, § 41, 8-17-92)

**Sec. 14-200. System review.**

To provide for technological, economic, and regulatory changes in the state of the art of cable communications, to facilitate renewal procedures, to promote the maximum degree of flexibility in the cable system, and to achieve a continuing, advanced modern system, the following system and services review procedures are hereby established:

1. At grantor’s sole option, the grantor may hold a public hearing on or about the third anniversary date of the franchise agreement at which the grantee shall be present and shall participate, to review the cable communication system and service. Subsequent system and services review hearing may be scheduled by the grantor each three years thereafter.

2. Sixty days prior to the scheduled system and service review hearing, grantee shall submit a report to grantor indicating the following:

   a. All cable system services reported in cable industry trade journals that are being commonly provided on an operational basis, excluding tests and demonstrations, to communities in the State of Illinois with comparable populations, that are not provided to
Any specific plans for provision of such new services by the grantee, or a justification indicating why grantee believes that such services are not feasible for the franchise area.

(3) Topics for discussion and review at the system and services review hearing shall include, but shall not be limited to, services provided, feasibility of providing new services, application of new technologies, system performance, programming, subscriber complaints, user complaints, rights of privacy, amendments to the franchise, undergrounding processes, developments in the law, and regulatory constraints.

(4) Either the grantor or the grantee may select additional topics for discussion at any review hearing.

(Ord. No. 2531, § 42, 8-17-92)

Sec. 14-201. Annual reports.

Within 120 days after the close of grantees' fiscal year, the grantee may be required to submit a written annual report, in a form requested by the grantor, including, but not limited to, the following information:

(1) A summary of the previous year's (or, in the case of the initial report year, the initial year's) activities in development of the cable system, including, but not limited to, services begun or discontinued during the reporting year, and the number of subscribers for each class of service.

(2) A revenue statement, audited by an independent certified public accountant, or certified by an officer of the grantee.

(3) A statement of projected construction, if any, for the next two years.

(4) A list of grantee's officers, members of its board of directors, and other principals of grantee.

(5) A list of stockholders or other equity investors holding five percent or more of the voting interest in the grantee and its parent, subsidiary and affiliated corporations and other entities, if any, unless the parent is a public corporation whose annual reports are publicly available.

(Ord. No. 2531, § 43, 8-17-92)


At the grantor's request, grantee shall submit to the grantor an annual system survey report which shall be a survey of the grantee's plans and a report thereon. Said report shall include, but not be limited to, a description and "as-built" maps of the portions of the franchise area that have been cabled and have all services available, an appropriate engineering test report or evaluation including suitable electronic measurements conducted in conformity with such requirements. Said report shall be in sufficient detail to enable the grantor
to ascertain that the service requirements and technical standards of the franchise are achieved and maintained.

(Ord. No. 2531, § 44, 8-17-92)

Sec. 14-203. Complaint file and reports.

An accurate and comprehensive file shall be kept by the grantee of any and all complaints regarding the cable system. A procedure shall be established by the grantee by the time of installation of the cable system to remedy complaints quickly and reasonably to the satisfaction of the grantor. Complete records of grantee's actions in response to all complaints shall be kept.

(1) A summary of service requests, identifying the number and nature of the requests and their disposition, upon grantor request, shall be completed for each month and submitted to the grantor by the tenth day of the succeeding month.

(2) A log and summary of all major service outages.

(3) If requested by the grantor, the results of an annual opinion survey report which identifies satisfaction or dissatisfaction among subscribers with cable communications services offered by the grantee, shall be submitted to the grantor no later than two months after the end of grantee's fiscal year. The survey required to make said report shall be in a form that can be transmitted to subscribers with one or more bills for service, such as postage-paid self-addressed post cards. At the grantor's option and expense, the grantor may prepare the survey form and request its inclusion with a monthly bill to subscribers. The survey shall request only information over which grantor has lawful jurisdiction.

(Ord. No. 2531, § 45, 8-17-92)

Sec. 14-204. Other reports and inspections.

In addition to other reports or inspections provided by this article, grantee shall provide the following reports to or permit the following inspections by grantor:

(1) Copies of federal and state reports. The grantee may be required to submit to the grantor copies of all pleadings, applications, notifications, communications and documents of any kind, submitted by the grantee to, as well as copies of all decisions, correspondence and actions by, any federal, state and local courts, regulatory agencies and other government bodies relating to its cable television operations within the franchise area. Grantee shall submit such documents to the grantor no later than 30 days after receipt of a grantor request.

(2) Public reports. A copy of each of grantee's annual and other periodic public financial reports and those of its parent, subsidiary and affiliated corporation and other entities, as the grantor requests, shall be submitted to the grantor within 30 days after receipt of a request.
(3) **Miscellaneous reports.** Grantee shall submit to the grantor such other information or reports in such forms and at such times as the grantor may reasonably request or require.

(4) **Inspection of facilities.** The grantee shall allow the grantor to make inspections of any of the grantee's facilities and equipment at any time upon at least ten days notice, or in case of emergency, upon demand without prior notice, to allow grantor to verify the accuracy of any submitted report.

(5) **Public inspection.** All reports subject to public disclosure shall be available for public inspection at a designated grantor office during normal business hours.

(6) **Failure to report.** The willful refusal, failure or neglect of the grantee to file any of the reports reasonably required, or such other reports as the grantor reasonably may request, may be deemed a material breach of the franchise, and may subject the grantee to all remedies, legal or equitable, which are available to the grantor under the franchise or otherwise.

(7) **False statements.** Any materially false or misleading statement or representation made knowingly and willfully by the grantee in any report required under the franchise, may be deemed a material breach of the franchise and may subject the grantee to all remedies, legal or equitable, which are available to the grantor under the franchise or otherwise.

(8) **Cost of reports.** One copy of all reports and records required under this or any other section shall be furnished at the sole expense of the grantee.

(Ord. No. 2531, § 46, 8-17-92)

**Sec. 14-205. Remedies for franchise violations.**

If the grantee fails to perform any material obligation under the franchise, or fails to do so in a timely manner, the grantor may at its option, and in its sole discretion:

(1) Assess against the grantee monetary damages up to the limits established in the franchise agreement for material franchise violations, said assessment to be levied against the security fund if such fund is required by the franchise agreement, provided in this article, and collected by grantor after completion of the procedures specified in section 14-206. The amount of such assessment shall be deemed to represent liquidation of damages actually sustained by grantor by reason of grantee's failure to perform. Such assessment shall not constitute a waiver by the grantor of any other right or remedy it may have under the franchise or under applicable law, including without limitation, its right to recover from grantee such additional damages, losses, costs and expenses, including actual attorney fees, as may have been suffered or incurred by grantor by reason of or arising out of such breach of the franchise. This provision for assessment of damages is intended by the parties
to be separate and apart from grantor's right to enforce the provisions of the construction and performance bonds provided for in this article and is intended to provide compensation to grantor for actual damages.

(2) Terminate the franchise, for any of the causes stated in this article.

(3) No remedy shall be imposed by grantor against grantee for any violation of the franchise without grantee being afforded due process of law, as provided for in section 14-206.

Grantor may impose any or all of the above enumerated measures against grantee, which shall be in addition to any and all other legal or equitable remedies it has under the franchise or under any applicable law.

(Ord. No. 2531, § 17, 8-17-92)

Sec. 14-206. Procedure for remedying franchise violations.

In the event that the grantor determines that the grantee has violated any material provision of the franchise, the grantor may make a written demand on the grantee stating the exact nature of the alleged violation, and requesting that grantee remedy such violation. If the violation is not remedied, or in the process of being remedied, to the satisfaction of the grantor within 30 days following such demand, the grantor shall determine whether or not such violation by the grantee was excusable, in accordance with the following procedures.

(1) An administrative hearing shall be held to review the alleged violation. If this hearing does not result in a satisfactory resolution, and/or the grantee requests a public hearing, then a public hearing shall be held, and the grantee shall be provided with an opportunity to be heard upon 30 days written notice to the grantee of the time and the place of the hearing provided and the allegations of franchise violations.

(2) If, after notice is given and, at the grantee's option, a full public proceeding is held, the grantor determines that such violation by the grantee was excusable as provided in section 14-207 below, the grantor shall direct the grantee to correct or remedy the same within such additional time, in such manner and on such terms and conditions as the grantor may reasonably direct.

(3) If, after notice is given and, at the grantee's option, a full public proceeding is held, the grantor determines that such violation was inexcusable, then the grantor may impose a remedy in accordance with section 14-205.

(Ord. No. 2531, § 48, 8-17-92)

Sec. 14-207. Excuse of nonperformance.

In the event grantee's performance of any of the terms, conditions, obligations, or requirements of the franchise is prevented or impaired due to any cause beyond its
reasonable control or not reasonably foreseeable, such inability to perform shall be deemed to be excused and no penalties or sanctions shall be imposed as a result thereof, provided grantee has notified grantor within a reasonable time after grantee's discovery of the occurrence of such an event. Such causes beyond grantee's reasonable control or not reasonably foreseeable shall include, but shall not be limited to, acts of God and civil emergencies.

(Ord. No. 2531, § 49, 8-17-92)

Sec. 14-208. Construction bond.

(a) **Requirement of bond.** Within 30 days after the granting of a new franchise, or a renewal which requires significant system construction, and prior to the commencement of any construction work by the grantee, the grantee shall file with the grantor a construction bond in the amount specified in the franchise agreement in favor of the grantor and any other person who may claim damages as a result of the breach of any duty by the grantee assured by said bond.

(b) **Form of bond.** Such bond as contemplated herein shall be in the form approved by the grantor and shall, among other matters, cover the cost of removal of any properties installed by the grantee in the event said grantee shall default in the performance of its franchise obligations.

(c) **No limitation on liability.** In no event shall the amount of said bond be construed to limit the liability of the grantee for damages.

(d) **Waiver of bond.** Grantor, at its sole option, may waive this requirement, or permit consolidation of the construction bond with the performance bond and security fund specified, respectively in section 14-209 and 14-210.

(e) **Release of bond.** Upon completion of construction, any construction bonds then in force shall be released.

(Ord. No. 2531, § 50, 8-17-92)

Sec. 14-209. Performance bond.

(a) **Requirement of bond.** In addition to the construction bond set forth in section 14-208, grantee may be required, at least 30 days prior to the commencement of operation, to file with the grantor a performance bond in the amount specified in the franchise agreement in favor of the grantor and any other person who may be entitled to damages as a result of any occurrence in the operation or termination of the cable system operated under the franchise agreement, and including the payment required to be made to the grantor hereunder.

(b) **Form of bond.** Such bond as contemplated herein shall be in the form approved by the grantor.

(a) **Requirement of fund.** Within 30 days after the effective date of the franchise, the grantee may be required to deposit into a bank account established by the grantor, and maintain on deposit through the term of this franchise, the sum specified in the franchise agreement, as security for the faithful performance by it of all the provisions of the franchise, and compliance with all the orders, permits and directions of any agency of the grantor having jurisdiction over its acts or defaults under this article, and the payment by the grantee of any claims, liens and taxes due the grantor which arise by reason of the construction, operation or maintenance of the system. Subject to the provisions of (d) below, the security fund may be assessed by the grantor for purposes including, but not limited to, the following:

1. Failure of grantee to pay grantor sums due under the terms of the franchise.
2. Reimbursement of costs borne by the grantor to correct franchise violations not corrected by grantee after due notice.
3. Monetary remedies or damages assessed against grantee due to default or violation of franchise requirements.

(b) **Form of fund.** At grantor's sole option, some portion of the security fund may be provided in the acceptable form of an irrevocable letter of credit, in lieu of a cash deposit.

(c) **Deposits to fund.** Within 30 days after notice to it that any amount has been withdrawn by the grantor from the security fund, pursuant to subsection (a) of this section, the grantee shall deposit a sum of money sufficient to restore such security fund to the amount required by the franchise agreement.

(d) **Withdrawals from fund.** If the grantee fails, after 30 days written notice to pay to the grantor any franchise fee or taxes due and unpaid; or, fails to pay to the grantor within such 30 days, any damages, costs or expenses which the grantor shall be compelled to pay by reason of any act or default of the grantee in connection with the franchise; or fails, after 30 days notice of such failure by the grantee to comply with any material provision of the franchise which the grantor reasonably determines can be remedied by an expenditure of the security fund, the grantor may thereafter withdraw the amount thereof, with interest and any penalties, from the security fund. Upon such withdrawal, the grantor shall notify the grantee of the amount and date thereof.

(e) **Rights to fund.** The security fund deposited pursuant to
this section shall become the property of the grantor in the event that the franchise is revoked for cause by reason of the default of the grantee in accordance with the procedures of this article. The grantee, however, shall be entitled to the return of such security fund, or portion thereof, as remains on deposit no later than 90 days after the expiration of the term of the franchise provided that there is then no outstanding default on the part of the grantee. The grantee shall be entitled to any interest accrued on the cash portion of the security fund.

(f) **Rights of grantor.** The rights reserved to the grantor with respect to the security fund are in addition to all other rights of the grantor whether reserved by this article or authorized by law, and no action, proceeding or exercise of a right, with respect to such security fund shall constitute an election of remedies or a waiver of any other right the grantor may have.

(Ord. No. 2531, § 52, 8-17-92)

**Sec. 14-211. Grantee insurance.**

(a) **Insurance required.** The grantee shall maintain throughout the term of the franchise, insurance in amounts at least as follows:

1. **Worker's Compensation Insurance.** In such coverage as may be required by the worker's compensation insurance and safety laws of the State of Illinois and amendments thereto.

2. **Comprehensive general liability.** Comprehensive general liability insurance, including, but not limited to, coverage for bodily injury and property damage shall be maintained at the sum(s) specified in the franchise agreement.

3. **Comprehensive automobile liability.** Comprehensive automobile liability including, but not limited to, nonownership and hired car coverage, as well as owned vehicles with coverage for bodily injury and property damage shall be maintained at the sum(s) specified in the franchise agreement.

(b) **Certificates to grantor.** The grantee shall furnish the grantor with copies of such insurance policies or certificates of insurance.

(c) **Grantor as additional insured.** Such insurance policies provided for herein shall name the grantor, its officers, boards, commissions, agents, and employees as additional insured, and shall be primary to any insurance carried by grantor, and shall contain the following endorsement:

"It is hereby understood and agreed that this insurance policy may not be cancelled by the surety or the intention not to renew be signed by the surety until thirty (30) days after receipt by the City by registered mail of written notice of such intention to cancel or not renew."

(d) **No limitation on liability.** The minimum amounts set forth in the franchise agreement, for such insurance shall not be construed to limit the
liability of the grantee to the grantor under the franchise issued hereunder to the amount of such insurance.

(e) **Approved insurers.** All insurance carriers providing coverage under (a) above, shall be duly licensed to operate in the State of Illinois.

(Ord. No. 2531, § 53, 8-17-92)

Sec. 14-212. Indemnity.

(a) **Extent of indemnity.** The grantee shall, by acceptance of any franchise granted, indemnify, defend and hold harmless the grantor, its officers, boards, commissions, agents, and employees from any and all claims, suits, judgments, for damages or other relief, costs and attorneys' fees in any way existing out of or through or alleged to arise out of or through:

1. The act of the grantor in granting the franchise.
2. The acts or omissions of grantee, its servants, employees, or agents including, but not limited to, any failure or refusal by grantee, its servants, employees or agents to comply with any obligation or duty imposed on grantee by this article or the franchise agreement.
3. The exercise of any right or privilege granted or permitted by this article or the franchise agreement.

Such indemnification shall include, but not be limited to, all claims arising in tort, contract, infringements of copyright, violations of statutes, ordinances or regulations or otherwise.

(b) **Defense of claims.** In the event any such claims shall arise, the grantor or any other indemnified party shall tender the defense thereof to the grantee. Provided, however, that the grantor in its sole discretion may participate in the defense of such claims at its expense, and in such event, grantee shall not agree to any settlement of claims without grantor approval.

(c) **Grantor's negligence.** The grantee shall not be required to indemnify the grantor for negligence or willful misconduct on the part of grantor's officials, boards, commissions, agents or employees.

(Ord. No. 2531, § 54, 8-17-92)

Sec. 14-213. Alternative remedies.

No provision of this article shall be deemed to bar the right of the city to seek or obtain judicial relief from a violation of any provision of the franchise or any rule, regulation, requirement or directive promulgated thereunder. Neither the existence of other remedies identified in this article, nor the exercise thereof, shall be deemed to bar or otherwise limit the right of the city to recover monetary damages (except where liquidated damages are otherwise prescribed) for such violation by the grantee, or judicial enforcement of the grantee's
obligations by means of specific performance, injunctive relief or mandate, or any other judicial remedy available at law or in equity.

(Ord. No. 2531, § 55, 8-17-92)


Subject to the provisions of the Act, a grantee shall not be relieved of any obligation to comply with any of the provisions of the franchise or any rule, regulation, requirement or directive promulgated thereunder by reason of any failure of the city or its officers, agents or employees to enforce prompt compliance nor shall such be considered a waiver thereof.

(Ord. No. 2531, § 56, 8-17-92)

Sec. 14-215. Compliance with law.

Notwithstanding any other provisions of the franchise to the contrary, the grantee shall at all times comply with all laws and regulations of the state and federal government or any administrative agencies thereof. Provided, however, if any such state or federal law or regulation shall require the grantee to perform any service, or shall permit the grantee to perform any service, or shall prohibit the grantee from performing any service, in conflict with the terms of the franchise or any law or regulation of the grantor, then as soon as possible following knowledge thereof, the grantee shall notify the grantor of the point of conflict believed to exist between such regulation or law and the laws or regulations of the grantor or the franchise.

(Ord. No. 2531, § 57, 8-17-92)

Sec. 14-216. Unauthorized reception, use, or sale of cable services.

(a) It shall be unlawful for any person to lawfully obtain any cable signal or service from a grantee of the city and to resell such cable signal or service without the prior written consent of such grantee.

(b) It shall be unlawful for any person to intercept, descramble, decode, or receive or assist in the interception, descrambling, decoding or receiving of any cable signal or service of a grantee of the city without the prior written consent of such grantee. As used in this subsection "assist in interception, descrambling, decoding or receiving" shall include the manufacture or distribution of equipment intended by the manufacturer or distributor for unauthorized reception of cable signal or service.

(c) It shall be unlawful for any person to intentionally damage any cables, lines or equipment of any grantee of the city used in or for the purpose of transmitting cable signals or service.

(d) It shall be unlawful for any person to obtain cable signals or service from any grantee of the city by means of fraud, deceit or theft.

(Ord. No. 2531, § 58, 8-17-92)

ARTICLE IX. CABLE TELEVISION RATE REGULATIONS  

Sec. 14-231. Incorporation of preamble.

Sec. 14-232. Rate regulation.

Sec. 14-233. Public participation.

Sec. 14-234. Authorization to sign forms.

Sec. 14-235. Notice to the company.

Sec. 14-231. Incorporation of preamble.

The preamble set forth above [in this ordinance] is hereby incorporated into this ordinance to the same extent as if set forth in full verbatim. The city council hereby declares the matters set forth in the preamble to be true and correct and the express of policy of the city council.

(Ord. No. 2599, § 1, 11-15-93)

Sec. 14-232. Rate regulation.

The city hereby adopts the cable regulations of the FCC as its rate regulation scheme for the basic rates of the company and any other cable television system which may hereafter operate in the city, notwithstanding any different or inconsistent provisions in the franchise agreement.

(Ord. No. 2599, § 2, 11-15-93)

Sec. 14-233. Public participation.

The city will provide a reasonable opportunity for the company, cable subscribers, interested persons and the public at large to participate in any rate regulation proceeding which may be held. The city shall hold public hearings, provide for public notice and a reasonable comment period prior to approval of any rates, or adopt other procedures calculated to permit full and fair participation by all interested persons in the ratemaking process.

(Ord. No. 2599, § 3, 11-15-93)

Sec. 14-234. Authorization to sign forms.

The mayor, or his designated representative, is hereby authorized to execute in the name of and on behalf of the city and file with the FCC any certification forms or other instruments as are now or may hereafter by required by the cable regulations in order to enable the city to regulate basic rates and further any forms previously signed and filed by the
mayor on behalf of the city are hereby ratified, approved and confirmed.

(Ord. No. 2599, § 4, 11-15-93)

Sec. 14-235. Notice to the company.

The city administrator is hereby directed to send a certified copy of this ordinance to the company and to further notify the company that the city has been certified by the FCC to regulate basic rates.

(Ord. No. 2599, § 5, 11-15-93)

ARTICLE X. CABLE AND VIDEO CUSTOMER PROTECTION LAW

Sec. 14-236. Customer service and privacy protection law.

Sec. 14-237. Enforcement.

Sec. 14-238. Penalties.

Sec. 14-239. Customer credits.

Sec. 14-236. Customer service and privacy protection law.

(a) Adoption. The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the city's boundaries.

(b) Amendments. Any amendment to the cable and video customer protection law that becomes effective after the effective date of this article shall be incorporated into this article by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this article by reference without formal action by the corporate authorities of the city.

(Ord. No. 10-39, § 2, 10-4-10)

Sec. 14-237. Enforcement.

The city does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the cable and video protection law with respect to complaints received from residents within the city.

(Ord. No. 10-39, § 2, 10-4-10)

Sec. 14-238. Penalties.

The city, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the cable and video protection law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall
apply on a competitively neutral basis and shall not exceed $750.00 for each day of the material breach, and shall not exceed $25,000.00 for each occurrence of a material breach per customer.

(a) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

(b) The city shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.

(c) A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in subsection (b).

(Ord. No. 10-39, § 2, 10-4-10)

Sec. 14-239. Customer credits.

The city hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

(Ord. No. 10-39, § 2, 10-4-10)

ARTICLE XI. CABLE/VIDEO SERVICE PROVIDER FEE AND PEG ACCESS SUPPORT FEE

Sec. 14-240. Definitions.

Sec. 14-241. Cable/video service provider fee imposed.

Sec. 14-242. PEG access support fee imposed.

Sec. 14-243. Applicable principles.

Sec. 14-244. No impact on other taxes due from holder.

Sec. 14-245. Audits of cable/video service provider.

Sec. 14-246. Late fees/payments.

Secs. 14-247—14-249. Reserved.

Sec. 14-240. Definitions.

As used in this article [chapter], the following terms shall have the following
meanings:

(a) "Cable service" means that term as defined in 47 U.S.C. § 522(6).

(b) "Commission" means the Illinois Commerce Commission.

(c) "Gross revenues" means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the city.

Gross revenues shall include the following:

(i) Recurring charges for cable or video service. Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.

(ii) Rental of set top boxes and other cable service or video service equipment.

(iii) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.

(iv) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.

(v) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

(vi) A pro rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the city. The allocation shall be based on the number of subscribers in the city divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

(vii) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel,
subject to subsection (ix).

(viii) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder’s revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

(ix) The service provider fee permitted by 220 ILCS 5/21-801(b).

(2) Gross revenues do not include any of the following:

(i) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).

(ii) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the state-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

(iii) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or nonvideo service in accordance with the holder’s books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

(iv) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser’s subscribers to the extent the purchaser certifies in writing that it will resell the service within the city and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.

(v) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the state-issued authorization and required to be
remitted to the taxing entity, including sales and use taxes.

(vi) Security deposits collected from subscribers.

(vii) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

(3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(d) "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the commission pursuant to 220 ILCS 5/21-401.

(e) "PEG" means public, education and government.

(f) "PEG access support fee" means the amount paid under this article and 220 ILCS 5/21-801(d) by the holder to the city for the service areas within its territorial jurisdiction.

(g) "Service" means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the commission pursuant to 220 ILCS 5/21-401.

(h) "Service provider fee" means the amount paid under this article and 220 ILCS 5/21-801 by the holder to a city for the service areas within its territorial jurisdiction.

(i) "Video service" means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

(Ord. No. 10-38, § 2, 10-4-10)

Sec. 14-241. Cable/video service provider fee imposed.

(a) Fee imposed. A fee is hereby imposed on any holder providing cable service or video service in the city.
(b) **Amount of fee.** The amount of the fee imposed hereby shall be five percent of the holder's gross revenues. [Note: The fee can be no greater than the fee paid to the city by an incumbent cable operator providing cable service.]

(c) **Notice to the city.** The holder shall notify the city at least ten days prior to the date on which the holder begins to offer cable service or video service in the city.

(d) **Holder's liability.** The holder shall be liable for and pay the service provider fee to the city. The holder's liability for the fee shall commence on the first day of the calendar month following 30 days after receipt of the ordinance adopting this article by the holder. The ordinance adopting this article shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the city.

(e) **Payment date.** The payment of the service provider fee shall be due on a quarterly basis, 45 days after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(f) **Exemption.** The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the city in which a fee is paid.

(g) **Credit for other payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit for prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under section 14-241(b).

(Ord. No. 10-38, § 2, 10-4-10)

**Sec. 14-242. PEG access support fee imposed.**

(a) **PEG fee imposed.** A PEG access support fee is hereby imposed on any holder providing cable service or video service in the city in addition to the fee imposed pursuant to section 14-241.

(b) **Amount of fee.** The amount of the PEG access support fee imposed hereby shall be one percent of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the city or its designee for PEG access support in the city.

(c) **Payment.** The holder shall pay the PEG access support fee to the city or to the entity designated by the city to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in section 14-241(d).

(d) **Payment due.** The payment of the PEG access support fee shall be due on a quarterly basis, 45 days after the close of the calendar
quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(e) Credit for other payments. An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that operator owes under section 14-242(b).

(Ord. No. 10-38, § 2, 10-4-10)

Sec. 14-243. Applicable principles.

All determinations and calculations under this article shall be made pursuant to generally accepted accounting principles.

(Ord. No. 10-38, § 2, 10-4-10)

Sec. 14-244. No impact on other taxes due from holder.

Nothing contained in this article shall be construed to exempt a holder from any tax that is or may later be imposed by the city, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the city's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

(Ord. No. 10-38, § 2, 10-4-10)

Sec. 14-245. Audits of cable/video service provider.

(a) Audit requirement. The city will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the city imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recompute any amounts determined to be payable under the requirements of the city. If all local franchises between the city and cable operator terminate, the audit requirements shall be those adopted by the city pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 et seq. No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(b) Additional payments. Any additional amount due after an audit shall be paid within 30 days after the city's submission of an invoice for the
Sec. 14-246. Late fees/payments.

All fees due and payments which are past due shall be governed by ordinances adopted by this city pursuant to the Local Government Taxpayers’ Bill of Rights Act, 50 ILCS 45/1 et seq.

(Ord. No. 10-38, § 2, 10-4-10)

Secs. 14-247—14-249. Reserved.

ARTICLE XII. ADULT USE/ENTERTAINMENT ESTABLISHMENTS [7](61)

Sec. 14-250. Recitals.
Sec. 14-251. Short title.
Sec. 14-252. Definitions.
Sec. 14-253. Adult use commissioner.
Sec. 14-254. Adult establishment licenses generally.
Sec. 14-255. Form and submittal of license application.
Sec. 14-256. Processing of license application.
Sec. 14-257. Standards for issuance or denial of license.
Sec. 14-258. Special use permit and location.
Sec. 14-259. Inspections by the city.
Sec. 14-260. Change in information.
Sec. 14-261. Regulations applicable to all adult entertainment establishments.
Sec. 14-262. Special regulations for adult booths.
Sec. 14-263. Special regulations for adult cabarets.
Sec. 14-264. Special regulation for adult stores.
Sec. 14-265. Special regulations for adult theaters.
Sec. 14-266. Licensee responsibility for employees.
Sec. 14-267. License revocation or suspension.
Sec. 14-268. Administrative record.
Sec. 14-269. Recordkeeping by licensee.
Sec. 14-270. Nuisance declared.
Sec. 14-271. Penalty.

Sec. 14-250. Recitals.

The recitals in Ordinance No. 11-36 are incorporated in this chapter as the findings and determinations of the mayor and city council.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-251. Short title.

This article shall be known as, and may be referred to as, the "Macomb Adult Use Licensing Ordinance."

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-252. Definitions.

For the purposes of this chapter, the following terms, phrases, and words shall have the meanings given herein.

**Adult booth.** Any area of an adult entertainment establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

**Adult entertainment establishment.** Any of the following commercial establishments, as defined herein:

1. **Adult cabaret.** Any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:
   
   (a) Persons who appear nude or semi-nude.
   
   (b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
   
   (c) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

2. **Adult store.** Any commercial establishment that contains
one or more adult booths; that as a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials or that has a segment or section devoted to the sale or display of adult materials.

(3) **Adult theater.** Any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

**Adult establishment employee.** Any individual, including entertainers, who work in or at, or render any services directly related to the operation of, an adult entertainment establishment provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs, to the licensed premises.

**Adult establishment license.** A license issued for an adult entertainment establishment pursuant to the provisions of this chapter.

**Adult establishment patron.** Any individual, other than an adult establishment employee, present in or at any adult entertainment establishment at any time when such adult entertainment establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs, to the licensed premises.

**Adult material.** Any of the following, whether new or used:

1. a. Books, magazines, periodicals, or other printed matter, or digitally-stored materials; or
   
   b. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

2. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

**Adult use commissioner.** The mayor of the city, pursuant to section 14-253.

**City zoning ordinance.** That part of the Macomb Municipal Code known and referred to as the Unified Development Code as adopted by ordinance, as it may be amended from time to time.

**Commercial establishment.** Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

**Days.** Calendar days, unless otherwise specifically set forth in this chapter.

**Licensed premises.** The place or location described in an adult establishment
license where an adult entertainment establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the licensed premises.

**Licensee.** Any person or entity that has been issued an adult establishment license pursuant to the provisions of this chapter.

**Nude or state of nudity.** A state of dress or undress that exposes to view less than completely and opaquely covered human genitals; [pubic] region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**Reviewing departments.** The mayor, the fire department, the police department, and the office of building and zoning.

**Semi-nude.** A state of dress or undress in which clothing covers no more than the human genitals, pubic region, anus, and areola of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

**Specified anatomical areas.** Any of the following:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**Specified criminal act.** Any unlawful lewd, indecent, or immoral conduct, including specifically, but without limitation, any of the lewd, indecent, or immoral criminal acts specified in any of the following statutes:


4. The Harassing and Obscene Communications Act, ILCS Chapter 720, Act 135, §§ 0.01 et seq.

5. The Wrongs to Children Act, ILCS Chapter 720, Act 150, §§ 0.01 et seq.
Specified sexual activities. Any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in subsections (1), (2), (3) or (4) of this definition.

Straddle dance. The use by any person, including specifically, but without limitation, an adult establishment employee, of any part of his or her body to touch the genitals, pubic region, buttock, anus, or female breast of any adult establishment patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of any person by any adult establishment patron. Conduct shall be a straddle dance regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any specified anatomical area. Conduct shall also be a straddle dance regardless of whether the "touch" or "touching" is direct or through a medium. Conduct commonly referred to by the slang terms "lap dance," "table dance," and "face dance" shall be included within this definition of straddle dance.

Sec. 14-253. Adult use commissioner.

(a) The mayor of the city is hereby designated as the adult use commissioner pursuant to the terms and conditions of this chapter.

(b) The adult use commissioner shall have the following powers and duties:

1. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of adult establishment licenses as set forth in this chapter.

2. To conduct or provide for such inspections of
adult entertainment establishments as shall be necessary to determine and ensure compliance with the provisions of this chapter and other applicable provisions of law.

(3) To periodically review the provisions of this chapter and the conduct and operation of adult entertainment establishments and adult establishment licensees, and to make such related reports and recommendations to the city council as the adult use commissioner shall deem necessary.

(4) To conduct such hearings, studies, and reports on adult entertainment establishments, and the regulations relating thereto, as the adult use commissioner shall deem necessary, and to conduct such hearings on the revocation or suspension of an adult establishment license as required pursuant to section 14-267.

(5) To take such further actions as the adult use commissioner shall deem necessary to carry out the purposes and intent of this chapter and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this chapter.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-254. Adult establishment licenses generally.

(a) Adult establishment license required. An adult establishment license shall be required to establish, operate, or maintain an adult entertainment establishment within the city.

(b) Operation without license prohibited. Except as provided in subsection (f) with regard to adult entertainment establishments existing prior to the effective date of this chapter, it shall be unlawful for any person not having a current and valid adult establishment license to establish, operate, or maintain an adult entertainment establishment within the city at any time after the effective date of this chapter.

(c) Operation in violation of license prohibited. It shall be unlawful for any licensee to establish, operate, or maintain an adult entertainment establishment within the city except in the manner authorized by, and in compliance with, the provisions of this chapter and the licensee’s adult establishment license.

(d) Content and display of license. Every adult establishment license shall be provided by the city and shall, at a minimum, prominently state on its face the name of the licensee, the expiration date, and the address of the adult entertainment establishment. Every licensee shall cause the licensee’s adult establishment license to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by any person entering the licensed premises.

(Ord. No. 11-36, § 2, 11-21-11)
License term. Except as hereinafter provided, adult establishment licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on January 1 of the year following the year of issuance and terminating on December 31 of that same year. Adult establishment licenses issued after January 1 of any year for operations to commence in that year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on December 31 of that same year.

Existing establishments.

(1) Application generally. An adult entertainment establishment existing and operating on or prior to the effective date ("existing establishment") may continue to exist and operate as of the effective date; provided, however, that the existing establishment shall submit an application for an adult establishment license not later than 60 days after the effective date; shall cease operations not later than 240 days after the effective date (the "licensure date"), unless it has secured an adult establishment license by the licensure date; and shall comply with, and continue at all times to comply with, the requirements of subsection (f)(2).

(2) Required compliance on effective date. An existing establishment shall, as of the effective date, be subject to the provisions of sections 14-259, 14-261(a)—(j), 14-262(a), (b), (f), (g), 14-263(c)—(e), 14-264, and 14-265, and shall at all times continue in compliance with the provisions.

(g) Renewal. An adult establishment license may be renewed only by making application as required for an initial license pursuant to section 14-255. Application for renewal shall be made at least 30 days before the expiration of the then-current license term. The expiration of the license shall not be affected or extended by a renewal application that is made less than 30 days before expiration.

Sec. 14-255. Form and submittal of license application.

(a) Required form. An application for an adult establishment license, or the renewal thereof, shall be made in writing to the adult use commissioner on a form prescribed by the adult use commissioner and shall be signed by the applicant, if the applicant is an individual; by at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization; by a duly authorized agent, if the applicant is a corporation; or by the trustee, if the applicant is a land trust.
application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the licensed premises for which an adult establishment license is sought. Each initial or renewal application shall be accompanied by seven identical copies.

(b) **Administrative processing fee and security.**

(1) **Administrative processing fee.** Every applicant for an adult establishment license or for the renewal of an existing adult establishment license shall pay an administrative processing fee in the amount of $500.00 by certified check to the city at the time of filing such application. The administrative processing fee shall in all cases be non-refundable and shall be deposited in the general corporate fund of the city.

(2) **Bond or other security.** Each adult establishment license, and any renewals thereof, shall be conditioned on the acquisition and maintenance in good standing by the applicant and licensee of a surety bond or other similar security in favor of the city in the amount of $2,500.00 to the city. Before an adult establishment license may be issued, the applicant shall furnish such bond or security, and before an adult establishment license is renewed or reinstated following revocation or suspension, the licensee shall submit evidence that the bond or other security, in the amount required pursuant hereto, remains in full force and effect. The bond or other security, or part thereof, for an adult entertainment establishment shall be forfeited automatically pursuant to subsection 14-267(b)(4) in order to reimburse the city for the city's costs in association with the proceedings related to any suspension or revocation of the license.

(c) **Required information and documents.** Each application shall include the following information and documents:

(1) a. **Individuals.** The applicant's legal name, all of the applicant's aliases, the applicant's business address and Social Security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.

b. **Corporations.** The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and Social Security numbers of all of the directors, officers, and managers of the corporation and of every person owning or controlling more than 50 percent of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the state; and the name of the registered corporate agent and
the address of the registered office for service of process.

c. **Partnerships** (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization. The applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and Social Security numbers of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.

d. **Land trusts.** The applicant land trust's complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages, business addresses, and Social Security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the licensed premises.

(2) If a corporation or partnership is an interest holder that must be disclosed pursuant to section 14-255(c)(1)b. or c., then such interest holders shall disclose the information required with respect to their interest holders.

(3) The general character and nature of the business of the applicant.

(4) The length of time that the applicant has been in the business of the character specified in response to subsection (3) above.

(5) The location, including street address and legal description, and telephone number, of the premises for which the adult establishment license is sought.

(6) The specific name of the business that is to be operated under the adult establishment license.

(7) The identity of each fee simple owner of the licensed premises.

(8) A diagram showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of
the licensed premises and to demonstrate compliance with the provisions of this chapter. The requirements of this article shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the license sought to be renewed and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this article shall not be deemed to be, and shall not be interpreted or construed to constitute, any other city approval otherwise required pursuant to applicable city ordinances and regulations.

(9) The names of each governmental body from which, within five years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application pursuant to subsections (1) or (2) of this section, has received a license or other authorization to conduct or operate a business substantially the same as an adult entertainment establishment, and the names and addresses of each such business; requiring a federal, state, or local liquor license; or requiring a federal, state, or local gaming license.

(10) The specific type or types of adult entertainment establishment(s) that the applicant proposes to operate in the licensed premises.

(11) A copy of each adult establishment license, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to subsections (1) or (2) of this section.

(12) Whether the applicant, or any of the individuals identified in the application pursuant to subsections (1) or (2) of this section, has been, within five years immediately preceding the date of the application, convicted of, or pleaded nolo contendere to, any specified criminal act. As to each conviction, the applicant or other individual shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.

(13) Whether the applicant, or any of the individuals identified in the application pursuant to subsections (1) or (2) of this section, has had a license or other authorization to conduct or operate a business substantially the same as an adult entertainment establishment or any business requiring either a liquor or gaming license, revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.

(14) The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed adult entertainment establishment.
entertainment establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to subsections (1)a., (9), (11), (12), and (13) of this section.

(15) For the individual or individuals executing the application pursuant to subsection (a), and the individual or individuals identified pursuant to subsection (c)(14), a fully executed waiver on a form prescribed by the city to obtain criminal conviction information pursuant to the Illinois Uniform Conviction Information Act.

(d) Incomplete applications returned. Any application for an adult establishment license that does not include all of the information and documents required pursuant to subsection (c) as well as the administrative processing fee and bond or other security required pursuant to subsection (b), shall be deemed to be incomplete and shall not be acted on or processed by the city. The adult use commissioner shall, within five days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-256. Processing of license application.

(a) Reviewing departments. Within three days after receipt of a complete application for an adult establishment license that includes all of the information and documents required pursuant to subsection 14-255(c), as well as the administrative processing fee and bond or other security required pursuant to subsection 14-255(b), the adult use commissioner shall transmit a copy of the application to the reviewing departments.

(b) Reviewing department reports. Each of the reviewing departments shall, within 25 days after transmittal of the application thereto, or within such other period of time as the city and the applicant may otherwise agree, review the application; conduct such inspections of the proposed licensed premises and background investigations of the applicant and any of the individuals identified in the application pursuant to subsection 14-255(c)(1), (2), or (14), regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed adult entertainment establishment and licensed premises comply with the requirements of this chapter and other applicable laws, codes, ordinances, rules, and regulations; and prepare and submit to the adult use commissioner a written report regarding the results and findings of such reviews, inspections, and investigations.

(c) Adult use commissioner review. The adult use commissioner shall also conduct such inspections and investigations as the adult use commissioner shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed adult entertainment establishment and licensed premises comply with the
requirements of this chapter and other applicable laws, codes, ordinances, rules, and regulations.

(d) **Reliance on diagram.** In the event that the licensed premises has not yet been constructed or reconstructed to accommodate the proposed adult entertainment establishment, the adult use commissioner and the reviewing departments shall base their respective written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to subsection 14-255(c)(8). Any adult establishment license issued prior to the construction or reconstruction necessary to accommodate the proposed adult entertainment establishment shall contain a condition that the adult entertainment establishment shall not open for business until the licensed premises has been inspected and determined to be in substantial compliance with the diagram submitted with the application.

(e) **Applicant cooperation required.** An applicant for an adult establishment license shall cooperate fully in the inspections and investigations conducted by the adult use commissioner and the reviewing departments. The applicant's failure or refusal to give any information reasonably relevant to the investigation of the application; to allow the licensed premises to be inspected; to appear at any reasonable time and place for examination under oath regarding the application; or to otherwise cooperate with the investigation and inspection required by this chapter, shall constitute an admission by the applicant that the applicant is ineligible for an adult establishment license and shall be grounds for denial of the license by the adult use commissioner.

(f) **Time for issuance or denial.** The adult use commissioner shall, within 80 days after submittal of a properly completed application, or within such other period of time as the city and the applicant shall otherwise agree, either issue an adult establishment license pursuant to the provisions of subsection 14-257(a) or deny issuance of the adult establishment license pursuant to the provisions of subsection 14-257(b). The adult use commissioner shall issue or deny the license within the 30-day period, or such other period of time as shall have been agreed to by the city and the applicant, regardless of whether or not the adult use commissioner has received all of the reviewing department reports.

(g) **Decision final.** The action taken by the adult use commissioner to issue or deny an adult establishment license pursuant, respectively, to subsection 14-257(a) or (b) shall be final and shall be subject to judicial review.

(Ord. No. 11-36, § 2, 11-21-11)

**Sec. 14-257. Standards for issuance or denial of license.**

(a) **Issuance.** The adult use commissioner shall issue an adult establishment license to an applicant if, but only if, the adult use commissioner finds and determines all of the following, based on the reports, investigations, and inspections conducted by the adult use commissioner and
the reviewing departments and on any other credible information on which it is reasonable for the adult use commissioner to rely:

(1) All information and documents required by this section for issuance of an adult establishment license have been properly provided and the material statements made in the application are true and correct.

(2) For adult stores and adult theaters, all persons identified in the application pursuant to subsection 14-256(c)(1), (2), or (14) are at least 18 years of age and not under any legal disability. For adult cabarets, all persons identified in the application pursuant to subsection 14-256(c)(1), (2), or (14) are at least 21 years of age and not under any legal disability.

(3) No person identified in the application pursuant to subsection 14-256(c)(1), (2), or (14) has been convicted of, or pleaded nolo contendere to, any specified criminal act within five years immediately preceding the date of the application.

(4) No person identified in the application pursuant to subsection 14-256(c)(1), (2), or (14) has been convicted of, or pleaded nolo contendere to, any violation of a provision of this chapter within five years immediately preceding the date of the application.

(5) No person identified in the application pursuant to subsection 14-256(c)(1), (2), or (14) is overdue on payment to the city of taxes, fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any adult entertainment establishment.

(6) No person identified in the application pursuant to subsection 14-256(c)(1), (2), or (14) is residing with, or married to, a person who has been denied an adult establishment license within 12 months immediately preceding the date of the application; whose adult establishment license has been revoked within 12 months immediately preceding the date of the application; or whose adult establishment license is under suspension at the time of application.

(7) The adult entertainment establishment and the licensed premises, and the proposed operation of the adult entertainment establishment, comply with all then-applicable building, health, and life safety codes and regulations and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the city zoning ordinance, including specifically, but without limitation, the special use permit required for the adult entertainment establishment.

(8) The applicant has confirmed in writing and under oath as part of the application that the applicant has read this chapter and all provisions of the city zoning ordinance applicable to adult entertainment establishments, that the applicant is familiar with their
terms and conditions, and that the licensed premises and the proposed adult entertainment establishment and its proposed operation are and shall be in compliance therewith.

(b) **Denial.** If the adult use commissioner determines that the applicant has not met any one or more of the conditions set forth in subsection (a), then the adult use commissioner shall deny issuance of the adult establishment license and shall give the applicant a written notification and explanation of such denial. The adult use commissioner’s notice of denial shall be delivered in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant’s address as set forth in the application. The adult establishment license shall be deemed denied on the day that the notice of denial is delivered in person or three days after it is placed in the U.S. mail as provided in this article.

(c) **License deemed to be issued.** If the adult use commissioner does not issue or deny the adult establishment license within 30 days after the properly completed application is submitted, then the adult establishment license applied for shall be deemed to have been issued.

(Ord. No. 11-36, § 2, 11-21-11)

**Sec. 14-258. Special use permit and location.**

(a) **Location.** No adult use shall be located within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

(b) **Special use permit.** No adult use shall operate even at those locations where they may be allowed pursuant to subsection (a) above without having first obtained a special use permit in the manner set forth in chapter 17, division 5. However, the standards for special uses set forth in section 17-268 shall not apply with regard to the application for a special use permit for an adult use. In their place, the following standards shall apply:

**Standards.** No adult special use permit shall be granted unless the following findings are made:

1. The design and operation of the facility will not adversely effect the public health and safety;

2. It will not cause substantial injury to the value of other property in the neighborhood in which it is located;

3. It will not unduly increase traffic congestion in the public streets and highways in the area in which it is located;

4. It will not cause additional expense for fire or police protection;

5. It will not substantially increase the possibility of criminal acts against persons and properties within 55 feet of such
proposed special use or against persons who regularly use such properties.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-259. Inspections by the city.

(a) Authority. The adult use commissioner and other city representatives and departments with jurisdiction shall periodically inspect all adult entertainment establishments as shall be necessary to determine compliance with the provisions of this chapter and all other applicable law.

(b) Licensee cooperation. A licensee shall permit representatives of the city to inspect the licensed premises and the adult entertainment establishment for the purpose of determining compliance with the provisions of this chapter and all other applicable laws at any time during which the licensed premises is occupied or the adult entertainment establishment is open for business.

(c) Interference or refusal illegal. It shall be unlawful for the licensee, any adult establishment employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the city pursuant to this chapter or any other authority.

(d) Suspension or revocation. Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the adult establishment license pursuant to section 14-267.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-260. Change in information.

During the pendency of any application for, or during the term of, any adult establishment license, the applicant or licensee shall promptly notify the adult use commissioner in writing of any change in any material information given by the applicant or licensee in the application for such license, including specifically, but without limitation, any change in managers of the adult entertainment establishment or in the individuals identified in the application pursuant to subsection 14-256(c)(1) or (2); or if any of the events constituting grounds for suspension or revocation pursuant to subsection 14-267(a) occur.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-261. Regulations applicable to all adult entertainment establishments.

(a) General compliance. All licensed premises and adult entertainment establishments shall comply with the provisions of this chapter; all other applicable city ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.

(b) Hours of operation. No adult entertainment establishment shall be open for business at any time between the hours of 12:00 a.m. and
12:00 noon on any weekday or Saturday. No adult entertainment establishment shall be open for business at any time on any Sunday or on any legal state or federal holiday.

(c) Animals. No animals, except only for seeing-eye dogs required to assist the blind, shall be permitted at any time at or in any adult entertainment establishment or licensed premises.

(d) Restrooms. All restrooms in adult entertainment establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms of an adult entertainment establishment. Separate male and female restrooms shall be provided for and used by adult establishment employees and adult establishment patrons.

(e) Restricted access. No adult establishment patron shall be permitted at any time to enter into any of the nonpublic portions of any adult entertainment establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of adult establishment employees. This article shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises; provided, however, that any such persons shall remain in such non-public areas only for the purpose and to the extent and time necessary to perform their job duties.

(f) Specific prohibited acts.

   (1) No adult establishment patron or any other person at any adult entertainment establishment, other than an adult establishment employee employed to provide adult entertainment in accordance with the regulations in this chapter, shall appear, be present, or perform while nude or semi-nude; provided, however, that no such employee shall appear, be present, or perform while nude at any adult entertainment establishment that serves or otherwise provides alcoholic liquor pursuant to a validly issued liquor license.

   (2) No adult establishment employee or any other person at any adult entertainment establishment shall perform or conduct any specified sexual activity with or for any adult establishment patron or any other adult establishment employee or any other person. No adult establishment patron or any other person at any adult entertainment establishment shall perform or conduct any specified sexual activity with or for any adult establishment employee or any other adult establishment patron or any other person.

   (3) Straddle dances shall be prohibited at all adult entertainment establishments.

(g) Exterior display. No adult entertainment establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing,
or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of an adult entertainment establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to subsection (h) with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

(h) **Signage limitations.** All signs for adult entertainment establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this chapter shall contain only the name of the adult entertainment establishment and/or the specific type of adult entertainment establishment conducted on the licensed premises. Temporary signage shall not be permitted in connection with any adult entertainment establishment.

(i) **Noise.** No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.

(j) **Gambling and related devices prohibited.** No adult entertainment establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.

(k) **Manager's station.** Each adult entertainment establishment shall have one or more manager's stations. The interior of each adult entertainment establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the establishment to which any adult establishment patron is permitted access for any purpose.

(l) **Alcohol prohibition.** No adult entertainment establishment that serves or otherwise provides alcoholic liquor pursuant to a liquor license shall provide or allow adult establishment employees that appear, are present, or perform while nude.

(Ord. No. 11-36, § 2, 11-21-11)

**Sec. 14-262. Special regulations for adult booths.**

(a) **Prohibited except in adult stores.** Adult booths shall be prohibited in all adult entertainment establishments except adult stores.

(b) **Occupancy and prohibited acts.** Only one individual shall occupy an adult booth at any one time. No individual occupying an adult booth shall engage in any specified sexual activities. No individual shall damage or
deface any portion of an adult booth.

(c) **Open booth requirement.** In addition to satisfying the manager station requirements of subsection 14-261(k), all adult stores containing adult booths shall be physically arranged in such a manner that the entire interior portion of each adult booth shall be visible from the common area of the adult store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each adult booth and for the entranceway from the area of the adult store that provides other adult materials to the area of the adult store containing the adult booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the adult store containing the adult booths or any person situated in an adult booth. It shall be unlawful to install adult booths within an adult entertainment establishment for the purpose of providing secluded viewing of adult materials or live performances.

(d) **Aisle required.** There shall be one continuous lighted main aisle along side the adult booths provided in any adult store. Each person situated in a booth shall be visible at all times from the aisle.

(e) **Holes prohibited.** Except for the open booth entranceway, the walls and partitions of each adult booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.

(f) **Signage.** A sign shall be posted in a conspicuous place at or near the entranceway to each adult booth that states that only one person is allowed in an adult booth at any one time, that it is unlawful to engage in any specified sexual activities while in an adult booth, and that it is unlawful to damage or deface any portion of an adult booth.

(g) **Age limitations.**

1. No adult establishment employee or adult establishment patron at an adult booth or any licensed premises that includes an adult booth shall be under the age of 18.

2. No person under the age of 18 shall be admitted to any adult booth or any licensed premises that includes an adult booth.

3. No person under the age of 18 shall be allowed or permitted to remain at any adult booth or at any licensed premises that includes an adult booth.

4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult booth or any licensed premises that includes an adult booth.

(Ord. No. 11-36, § 2, 11-21-11)
Sec. 14-263. Special regulations for adult cabarets.

(a) Performance area. The performance area of an adult cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "cabaret stage"). Each cabaret stage shall be at least 18 inches in elevation above the level of the patron seating areas. Each cabaret stage shall be separated by a distance of at least eight feet from all areas of the premises to which adult entertainment patrons have access. A continuous barrier at least three feet in height and located at least eight feet from all points of each cabaret stage shall separate each cabaret stage from all patron seating areas. The barrier shall consist of horizontal or vertical members spaced no more than nine inches apart and nine inches from the floor or the walls to which it is attached.

(b) Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on ten-foot centers shall be maintained at all times for all areas of the adult cabaret where adult establishment patrons are admitted.

(c) Tipping. No tip or gratuity from any adult establishment patron may be offered or accepted for any performance by an adult establishment employee on any adult cabaret stage at any time prior to the completion of any such performance. No adult establishment patron shall offer, and no adult establishment employee having performed on any cabaret stage shall accept, any form of tip or gratuity offered directly to the employee by the adult establishment patron. Rather, following completion of a performance, all tips and gratuities to adult establishment employees performing on any cabaret stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the adult entertainment establishment.

(d) Notice of select rules.

(1) A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed on or adjacent to every cabaret stage stating the following:

THIS ADULT CABARET IS REGULATED BY THE CITY OF MACOMB. ENTERTAINERS ARE:

1. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.

2. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES FOR ANY PERFORMANCE UNTIL AFTER COMPLETION OF THE PERFORMANCE.

3. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY FROM PATRONS EVEN AFTER
COMPLETION OF THE PERFORMANCE. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT.

(e) Age limitations.

(1) No adult establishment employee or adult establishment patron at an adult cabaret or a licensed premises used for an adult cabaret shall be under the age of 21.

(2) No person under the age of 21 shall be admitted to any adult cabaret or to any licensed premises used for an adult cabaret.

(3) No person under the age of 21 shall be allowed or permitted to remain at any adult cabaret or any licensed premises used for an adult cabaret.

(4) No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult cabaret or any licensed premises used for an adult cabaret.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-264. Special regulation for adult stores.

(a) Windows and signs. Window areas for adult stores shall not be covered or obstructed in any way. No signs or other obstructions shall be placed in the windows.

(b) Age limitations.

(1) No adult establishment employee or adult establishment patron at an adult store or a licensed premises used for an adult store shall be under the age of 18.

(2) No person under the age of 18 shall be admitted to any adult store or to any licensed premises used for an adult store.

(3) No person under the age of 18 shall be allowed or permitted to remain at any adult store or any licensed premises used for an adult store.

(4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult store or any licensed premises used for an adult store.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-265. Special regulations for adult theaters.
(a) **Seating.** Each adult theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the adult theater.

(b) **Aisle.** Each adult theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible from the aisle at all times.

(c) **Sign.** Each adult theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

(d) **Age limitations.**

   (1) No adult establishment employee or adult establishment patron at an adult theater or a licensed premises used for an adult theater shall be under the age of 18.

   (2) No person under the age of 18 shall be admitted to any adult theater or to any licensed premises used for an adult theater.

   (3) No person under the age of 18 shall be allowed or permitted to remain at any adult theater or any licensed premises used for an adult theater.

   (4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult theater or any licensed premises used for an adult theater.

(Ord. No. 11-36, § 2, 11-21-11)

**Sec. 14-266. Licensee responsibility for employees.**

Every act or omission by an adult establishment employee constituting a violation of the provisions of this chapter shall be deemed to be the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the adult establishment employee. The licensee shall be punishable for any such act or omission in the same manner as if the licensee committed the act or caused the omission. Accordingly, any such act or omission of any such employee constituting a violation of the provisions of this chapter shall be deemed, for purposes of determining whether the licensee's adult establishment license shall be revoked, suspended, or renewed, to be the act or omission of the licensee.

(Ord. No. 11-36, § 2, 11-21-11)
Sec. 14-267. License revocation or suspension.

(a) Grounds. Pursuant to the procedures set forth in subsection (b), the adult use commissioner may suspend for not more than 30 days, or revoke, any adult establishment license if the adult use commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

(1) The licensee has violated any of the provisions or requirements of this chapter or the adult establishment license issued pursuant hereto, or the provisions of the city zoning ordinance applicable to the licensed premises or the adult entertainment establishment.

(2) The licensee knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the city for the issuance or renewal of any adult establishment license or knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the licensee’s behalf.

(3) The licensee has committed a felony or specified criminal act on the licensed premises.

(4) The licensee authorizes, approves, or, as a result of the licensee’s negligent failure to supervise the licensed premises or the adult entertainment establishment, allows, an adult establishment employee, an adult establishment patron, or any other person to violate any of the provisions or requirements of this chapter or of the provisions or requirements of the adult establishment license issued pursuant hereto, or commit any felony or specified criminal act on the licensed premises.

(5) The licensee, or any person identified pursuant to subsection 14-256(c)(1), (2), or (14) becomes disqualified for the issuance of an adult establishment license at any time during the term of the license at issue.

(B) Procedure. An adult entertainment establishment license may be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this article.

(1) Notice. Upon determining that one or more of the grounds for suspension or revocation under subsection (a) may exist, the adult use commissioner shall serve a written notice on the licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee’s address as set forth in the licensee’s application. The written notice shall, at a minimum, state that the adult use commissioner has determined that the adult establishment license may be subject to suspension or revocation pursuant to subsection 14-267(a); identify the specific grounds for the adult use
commissioner's determination; and set a date for a hearing regarding the adult use commissioner's determination as to the possibility of suspension or revocation of the adult establishment license. The date of the hearing shall be no less than five days after service of the adult use commissioner's notice, unless an earlier or later date is agreed to by the license and the adult use commissioner.

(2) **Hearing.** The hearing shall be conducted by the adult use commissioner. At the hearing, the licensee may present and submit evidence and witnesses to refute the grounds cited by the adult use commissioner for suspending or revoking the license and the city and any other persons may submit evidence to sustain such grounds. All witnesses that appear and testify at the hearing shall be sworn and strict rules of evidence shall not apply. Evidence that is commonly relied upon by reasonably prudent men in the conduct of their business may be admitted and evidence determined to be irrelevant, immaterial, or unduly repetitious may be excluded at the determination of the adult use commissioner. The administrative record complied on the adult entertainment establishment pursuant to section 14-268 shall be made part of the hearing record. Within three days after the close of the hearing, the adult use commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. If an official record of the proceedings is required to be prepared and certified by a certified court reporter or a certified short-hand reporter, such as for appeal purposes, the cost of the reporter's attendance at the hearing and the cost of the transcript shall be paid by the licensee. The action taken by the adult use commissioner shall be final and shall be subject to judicial review.

(3) **Notice and effective date of suspension or revocation.** The adult use commissioner's written decision shall be posted at the office of the adult use commissioner and shall be served on the licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the adult use commissioner's written decision is delivered in person or three days after it is placed in the U.S. mail as provided in this subdivision.

(4) **Surrender of license and security.** Upon the suspension or revocation of an adult establishment license pursuant to this chapter, the adult use commissioner shall take custody of the suspended or revoked license; and such part or all of the bond or other security submitted for the adult entertainment establishment pursuant to subsection 14-256(b)(2) shall be forfeited as the adult use commissioner shall deem necessary to reimburse the city for the costs associated with the proceedings related to the suspension or revocation at issue. Such bond or other security shall be replenished to equal the amount required pursuant to subsection 14-256(b)(2) prior to the issuance of any new
adult establishment license for the licensed premises or for the reinstatement of any suspended license.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-268. Administrative record.

The adult use commissioner shall cause to be kept in the adult use commissioner's office an accurate record of every adult establishment license application received and acted on, together with all relevant information and material pertaining to such application, any adult establishment license issued pursuant thereto, and any adult entertainment establishment operated pursuant to such adult establishment license.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-269. Recordkeeping by licensee.

(a) The licensee of every adult entertainment establishment shall maintain a register of all of its adult establishment employees. For each such employee, the register shall include the following information:

1. Legal name.
2. Any and all aliases.
3. Current residential address and telephone number.
4. Date of birth.
5. Gender.
7. Date of commencement of employment.
8. Date of employment termination, if applicable.
9. Specific job or employment duties.

(b) The register shall be maintained for all current employees and all employees employed at any time during the preceding 36 months. The licensee shall make the register of its adult establishment employees available for inspection by the city immediately upon demand at all reasonable times.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-270. Nuisance declared.

Any adult entertainment establishment established, operated, or maintained in violation of any of the provisions or requirements of this chapter or of any adult establishment license shall be, and the same is, declared to be unlawful and a public nuisance. The city may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to
enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an adult entertainment establishment contrary to the provisions of this chapter.

(Ord. No. 11-36, § 2, 11-21-11)

Sec. 14-271. Penalty.

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this chapter or of any of the provisions or requirements of any adult establishment license shall be fined not more than $750.00 for each such violation. Each day such violation continues shall constitute a separate offense.

(Ord. No. 11-36, § 2, 11-21-11)

Chapter 15 MOTOR VEHICLES AND TRAFFIC [1](62)

ARTICLE I. IN GENERAL

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Sec. 15-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public way within a block, generally giving access to the rear of lots or buildings, and not used for general traffic circulation.

Authorized emergency vehicle means police vehicles, vehicles of the fire department, ambulances, vehicles carrying a state, county or municipal officer or employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels, except scooters and similar devices.

Crosswalk means:

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

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface placed in accordance with the provisions in the manual adopted by the department of transportation.
Department means the Illinois Department of Transportation or any successor agency.

Driver means every person who drives or is in actual physical control of a vehicle.

Explosive means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, concussion, percussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Farm tractor means every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self-propelled, excluding all-terrain vehicles and off-highway motorcycles.

Flammable liquid means any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by Tagliabue or equivalent closed cup test device.

Improved highway means a roadway of concrete, brick, asphalt, macadam or gravel.

Intersection.

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

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

(3) The junction of an alley with a street or highway does not constitute an intersection.

Laned roadway means a street, the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

Loading zone means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Merging traffic means a maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.

Metal tire means every tire the surface of which in contact with the roadway is wholly or partially of metal or other hard, nonresilient material.
Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power and motorized wheelchairs. For purposes of this chapter, motor vehicles are divided into two divisions:

1. First division: Those motor vehicles which are designed for the carrying of not more than ten persons.

2. Second division: Those motor vehicles which are designed for carrying more than ten persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the first division remodelled for use and used as motor vehicles of the second division.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

Pedestrian means any person afoot.

Pneumatic tire means every tire in which compressed air is designed to support the load.

Property line means the line marking the boundary between any street and the lots or property abutting thereon.

Public building means a building used by the municipality, the county, any park district, school district, the state or the United States government.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Road tractor means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

Roadway means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School bus.
(1) School bus means every motor vehicle, except as provided in subsection (2) of this definition, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity:

a. Any public or private primary or secondary school;

b. Any primary or secondary school operated by a religious institution; or

c. Any public, private or religious nursery school.

(2) This definition shall not include the following:

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

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

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

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

b. A motor vehicle of the first division.

Semitrailer means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Solid tire means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Street means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Traffic means pedestrians, ridden or herded animals, vehicles and other conveyances, whether singly or together, while using any highway for the purpose of travel.

Trailer means every vehicle without motive power designed for carrying passengers or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.
Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Urban district means the territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter mile or more.

Vehicle.

(1) Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act of the state.

(2) For the purposes of this chapter, unless otherwise prescribed, a device shall be considered to be a vehicle until such time as it either comes within the definition of a junk vehicle, as defined under state law, or a junking certificate is issued for it.

(3) For purposes of this chapter, vehicles are divided into two divisions:

a. First division: Those motor vehicles which designed for the carrying of not more than ten persons.

b. Second division: Those vehicles which are designed for carrying more than ten persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the first division remodelled for use and used as motor vehicles of the second division, and those motor vehicles of the first division used and registered as school buses.

Yield right-of-way, when required by an official sign, means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, provided that when the roadway is clear the vehicle may proceed into the intersection.

(Code 1972, § 15-1; Ord. No. 2603, § 33, 1-3-94)

Definitions and rules of construction generally, § 1-2.


Sec. 15-2. Tickets authorized.

For offenses other than driving while intoxicated or reckless driving, police officers, after making note of the license number of the vehicle and the name of the offender where possible, may issue a traffic violation ticket notifying the offender of the violation, which ticket shall be placed on the vehicle or given to or mailed to the offender.
Sec. 15-3. Presumption of owner's responsibility for violations.

The fact that an automobile which is illegally operated or parked is registered in the name of the person shall be considered prima facie proof that such person was in control of the automobile at the time of such violation.

Sec. 15-4. Applicability of chapter to persons riding bicycles or riding or driving animals.

Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which can have no application.

Sec. 15-5. Exemptions for authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

(b) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this chapter.
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation.
3. Exceed the maximum speed limits so long as he does not endanger life or property.
4. Disregard regulations governing direction of movement or turning in specified directions.

(c) The exceptions granted in this section to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion or visual signals meeting the requirements of Section 12-215 of the Illinois Vehicle Code.

(d) The provisions of this section do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the
safety of all persons, nor do such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Code 1972, § 15-5; Ord. No. 2603, § 34, 1-3-94)


Sec. 15-6. Exemption for street maintenance vehicles.

The provisions of this chapter, with the exception of sections 15-27, 15-51 and 15-52, do not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of the highway, but apply to such persons and vehicles when traveling to or from such work.

(Code 1972, § 15-6)


Sec. 15-7. Authority to direct traffic; unauthorized directing.

Members of the police department and special police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this chapter, or in emergencies as public safety or convenience may require. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.

(Code 1972, § 15-7)

Sec. 15-8. Obedience to police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, firefighter or uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic.

(Code 1972, § 15-8)


Sec. 15-9. Directing traffic at fires.

The fire department officer in command, or any firefighter designated by him, may exercise the powers and authority of a police officer in directing traffic at the scene of any fire where the fire department equipment is on the scene in the absence of or in assisting the police.

(Code 1972, § 15-9)

Fire prevention and protection, ch. 10.

Sec. 15-10. Specifications for traffic control devices.

All signs and signals established by direction of the governing body shall conform to the state manual of uniform traffic control devices for streets and highways.
Sec. 15-11. Obedience to traffic control devices; required devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed or held in accordance with the provisions of this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic control device.

(c) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(d) Whenever any official traffic control device is placed or held in position approximately conforming to the requirements of this chapter and purports to conform to the lawful requirements pertaining to such device, such device shall be presumed to have been so placed or held by the official act or direction of lawful authority, and comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(e) The driver of a vehicle approaching a traffic control signal on which no signal light facing such vehicle is illuminated shall stop before entering the intersection in accordance with rules applicable in making a stop at a stop sign.

Sec. 15-12. Traffic control signal legend.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) **Green indication.**

   a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at
such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. Unless otherwise directed by a pedestrian control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) **Steady yellow indication.**

a. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

b. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(3) **Steady red indication.**

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

b. Except as provided in subsection (3)c of this section, vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but, if there is no such stop line, before entering the crosswalk on the near side of the intersection, or, if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

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

d. Unless otherwise directed by a pedestrian control signal, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

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

(Code 1972, § 15-12; Ord. No. 2603, § 35, 1-3-94)


Sec. 15-13. Flashing signals.

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

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

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

(3) **Exception.** This section does not apply at railroad grade crossings.

(Code 1972, § 15-13)


Sec. 15-14. Traffic control intersections enumerated.

The following enumerated intersections in the city are hereby designated to be
controlled by traffic control signals:

Calhoun Street and Lafayette Street.
Calhoun Street and Campbell Street.
Jackson Street and Campbell Street.
Jackson Street and Dudley Street.
Jackson Street and Johnson Street.
Jackson Street and Prairie Avenue.
Jackson Street and Walton Avenue.
Jackson Street and Ward Street.
Jackson Street and Wigwam Hollow Road.
Lafayette Street and University Drive.
Pierce Street and Lafayette Street.
University Drive at the entrance to Q Lot by Western Hall.

(Code 1972, § 15-14; Ord. No. 2603, § 36, 1-3-94; Ord. No. 06-11, § 2, 3-20-06)

Sec. 15-15. Reserved.

Editor's note—


Sec. 15-16. Posting of signs.

The chief of the police department shall post or cause to be posted suitable signs for all through streets, one-way streets or alleys and stop intersections.

(Code 1972, § 15-16)

Sec. 15-17. Unauthorized signs, signals or markings.

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

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

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

(d) No person shall sell or offer for sale any traffic control device to be used on any street or highway in the city which does not conform to the requirements of the Illinois Vehicle Code.

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

(Code 1972, § 15-17; Ord. No. 2603, § 37, 1-3-94)

Sec. 15-18. Interference with traffic control devices or railroad signs or signals.

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

(Code 1972, § 15-18)

Sec. 15-19. Reserved.

Editor's note—
Ord. No. 2603, § 58(h), adopted Jan. 3, 1994, repealed former § 15-19, which pertained to unlawful signs and flashing or rotating lights.

Sec. 15-20. Use of sidewalks by other than pedestrians.

(a) Bicycles may be ridden on sidewalks except as otherwise provided in this section.

(b) No bicycles, skateboards, roller blades, roller skates, or similar means of locomotion may be ridden or used on any sidewalk downtown. As used in this subsection "downtown" shall mean the area bounded by Carroll Street on the north, Campbell Street on the east, Jefferson Street on the south and McArthur Street on the west.

(c) No bicycle, skateboard, roller blades, roller skates or similar means of locomotion may be ridden or used in a reckless manner on any public sidewalk so as to endanger any pedestrian.

(Ord. No. 2791, § 1, 8-2-99)
Streets and sidewalks, ch. 20.

Sec. 15-21. Passengers on bicycles.
It shall be unlawful for more than one person to ride upon any bicycle, except bicycles specifically constructed to be propelled by more than one person.

(Code 1972, § 15-21)

Sec. 15-22. Riding on motorcycles.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate any motorcycle with handlebars higher than the height of the shoulders of the operator when the operator is seated in the normal driving position astride that portion of the seat occupied by the operator.

(Code 1972, § 15-22)


Sec. 15-23. Riding on outside of vehicle.

It shall be unlawful for any person to ride upon the outside of any vehicle.

(Code 1972, § 15-23)

Sec. 15-24. Toy vehicles on roadways.

It shall be unlawful for any person upon skates or a coaster, sled or other toy vehicle to go upon any roadway other than at a crosswalk.

(Code 1972, § 15-24)

Sec. 15-25. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the vehicle or himself to any vehicle upon a roadway.

(Code 1972, § 15-25)

Sec. 15-26. Reserved.

Editor's note—

Ord. No. 2679, § 13, adopted Oct. 2, 1995, repealed § 15-26, which pertained to
Sec. 15-27. Accidents.

The driver of a vehicle which has collided with or been in an accident with any vehicle, person or property in such a manner as to cause injury or damage shall stop immediately and render such assistance as may be possible, and give his true name and residence to the injured person or any other persons requesting his name and residence on behalf of the injured person, or the owner of the property damaged, and to a police officer if one is present. A report of each such accident shall be given by the driver of each vehicle concerned in it to the chief of police within 24 hours after the accident, if the accident resulted in injury to or the death of any person, or in which damage to the property of any one person, including the driver, in excess of $500.00 is sustained.

(Code 1972, § 15-27; Ord. No. 2603, § 38, 1-3-94)


ARTICLE II. OPERATION

DIVISION 1. GENERALLY

Sec. 15-51. Driving while under the influence of alcohol, other drug, or combination thereof.

Sec. 15-52. Reckless driving.

Sec. 15-53. Careless driving.

Sec. 15-54. Obstructing traffic.

Sec. 15-55. Following fire apparatus; parking near fire.

Sec. 15-56. Crossing fire hose.

Sec. 15-57. Driving on sidewalk.

Sec. 15-58. Driving through safety zone prohibited.

Sec. 15-59. Entering and leaving limited access roadways.

Sec. 15-60. Limitations on backing.

Sec. 15-61. Funeral processions.

Sec. 15-62. Driving on roadways laned for traffic.

Sec. 15-63. One-way roadways and rotary traffic islands.

Sec. 15-64. One-way streets and alleys enumerated.

Sec. 15-65. Reserved.

Sec. 15-66. Limited load streets.
Sec. 15-67. Vehicles in excess of 20,000 pounds or 24 feet prohibited on certain streets; exceptions.

Sec. 15-68. Vehicles in excess of 8,000 pounds prohibited on certain streets.

Sec. 15-69. Pedestrian walkways.

Sec. 15-70. Vehicles in excess of 80,000 pounds prohibited on certain streets.

Secs. 15-71—15-80. Reserved.

Sec. 15-51. Driving while under the influence of alcohol, other drug, or combination thereof.

(a) Prohibited acts.

(1) A person shall not drive or be in actual physical control of any vehicle within the city while:

   a. The alcohol concentration in such person's blood or breath is 0.10 or more based on the definition of blood and breath units;

   b. Under the influence of alcohol;

   c. Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely driving;

   d. Under the combined influence of alcohol and any other drug to a degree which renders such person incapable of safely driving; or

   e. There is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act of the state, as now or hereafter amended, or a controlled substance listed in the Illinois Controlled Substance Act, as now or hereafter amended.

(2) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs, or any combination of both, shall not constitute a defense against any charge of violating this section.

(3) Except as provided under subsection (a)(4) of this section, every person convicted of violating this section shall be fined not less than $250.00 nor more than $500.00 and, in addition to any other criminal or administrative action, for any second conviction of violating this section committed within five years of a previous violation of this section, shall be mandatorily sentenced to a minimum of ten days of community service.
(4) Every person convicted of committing a violation of this section shall be fined $500.00 if:

a. Such person committed a violation of subsection (a)(1) of this section for the third or subsequent time;

b. Such person committed a violation of subsection (a)(1) of this section while driving a school bus with children on board; or

c. Such person in committing a violation of subsection (a)(1) of this section was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries.

(5) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this section, individuals shall be required to undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the state department of alcoholism and substance abuse. The cost of any such professional evaluation shall be paid for by the individual required to undergo such professional evaluation.

(6) Every person found guilty of violating this section whose operation of a motor vehicle while in violation of this section proximately caused any incident resulting in an appropriate emergency response shall be liable for the expense of an emergency response as provided under section 5-5-3 of the Unified Code of Corrections.

(7) The secretary of state shall revoke the driving privileges of any person convicted under this section.

(b) Chemical and other tests.

(1) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in subsection (a) of this section, evidence of the concentration of alcohol, other drug or combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply:

a. Chemical analyses of the person's blood, urine, breath or other bodily substance, to be considered valid under the provisions of this section, shall have been performed according to standards promulgated by the state
department of public health in consultation with the department of state police by an individual possessing a valid permit issued by that department for this purpose. The director of the department of public health in consultation with the department of state police is authorized to approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct such analyses, to issue permits which shall be subject to termination or revocation at the discretion of that department, and to certify the accuracy of breath testing equipment. The state department of public health shall prescribe regulations as necessary to implement this subsection.

b. When a person shall submit to a blood test at the request of a law enforcement officer under the provisions of this section, only a physician authorized to practice medicine, a registered nurse or other qualified person approved by the department of public health may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath or urine specimens.

c. The person tested may have a physician or a qualified technician, chemist, registered nurse or other qualified person of his own choosing administer a chemical test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

d. Upon the request of the person who shall submit to a chemical test at the request of a law enforcement officer, full information concerning the test shall be made available to the person or such person's attorney.

e. Alcohol concentration shall mean either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath or other bodily substance shall give rise to the following presumptions:

a. If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol.
b. If there was at that time an alcohol concentration in excess of 0.05 but less than 0.10, such facts shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.

c. If there was at that time an alcohol concentration of 0.10 or more, it shall be presumed that the person was under the influence of alcohol.

d. The provisions of this subsection shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(3) If a person under arrest refuses to submit to a chemical test under the provisions of this section, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, or other drugs, or combination of both was driving or in actual physical control of a motor vehicle.

(Code 1972, § 15-38; Ord. No. 2603, § 39, 1-3-94)

Alcoholic beverages, ch. 4.


Sec. 15-52. Reckless driving.

It shall be unlawful for any person to drive a vehicle with a willful or wanton disregard for the safety of persons or property, and any person who does so shall be guilty of reckless driving.

(Code 1972, § 15-39)


Sec. 15-53. Careless driving.

(a) It shall be unlawful for any person to drive a vehicle in a careless manner, other than as listed in subsections (b) and (c). The penalty of a violation of this section shall be a fine of not less than $100.00 nor more than $750.00.

(b) It shall be unlawful for any person to drive a vehicle in a careless manner by failing to utilize safety restraints. The penalty of a violation of this subsection shall be a fine of $50.00.

(c) It shall be unlawful for any person to drive a vehicle in a careless manner by being distracted by use of an electronic device. The penalty
of a violation of this subsection shall be a fine of $50.00.

(Code 1972, § 15-40; Ord. No. 17-16, § 7-3-17)

Sec. 15-54. Obstructing traffic.

No person shall willfully and unnecessarily hinder, obstruct or delay or willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon any highway within the city or offer for barter or sale merchandise on the highway so as to interfere with the effective movement of traffic.

(Code 1972, § 15-41)

Parking for purpose of peddling, § 15-225.

Sec. 15-55. Following fire apparatus; parking near fire.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

(Code 1972, § 15-42)

Fire prevention and protection, ch. 10.

Sec. 15-56. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(Code 1972, § 15-43)

Fire prevention and protection, ch. 10.

Sec. 15-57. Driving on sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This section does not apply to any vehicle moved exclusively by human power or to any motorized wheelchair.

(Code 1972, § 15-44)

Streets and sidewalks, ch. 20.

Sec. 15-58. Driving through safety zone prohibited.
No vehicle shall at any time be driven through or within a safety zone.

(Code 1972, § 15-45)


Sec. 15-59. Entering and leaving limited access roadways.

No person shall drive a vehicle onto or from any controlled or limited controlled access roadway except at such entrances and exits as are established by public authority.

(Code 1972, § 15-46)


Sec. 15-60. Limitations on backing.

(a) The driver of a vehicle shall not back the vehicle unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the vehicle upon any shoulder or roadway of any controlled access highway.

(Code 1972, § 15-47)


Sec. 15-61. Funeral processions.

(a) Funeral processions have the right-of-way at intersections when vehicles composing such procession have their headlights 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 such signal or after stopping as required by the stop sign, all vehicles in such 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 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 to identify the individual vehicles in such a procession.

(Code 1972, § 15-48)


Sec. 15-62. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this section, shall apply:

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

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

(3) Official traffic control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such device. On multilane controlled access highways with three or more lanes in one direction or on any multilaned highway with two or more lanes in one direction, lanes of traffic may be designated to be used by different types of motor vehicles. Drivers must obey lane designation signing except when it is
necessary to use a different lane to make a turning maneuver.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(Code 1972, § 15-49)


Sec. 15-63. One-way roadways and rotary traffic islands.

(a) The city council, with respect to highways under its jurisdiction, may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

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

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

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

(e) The driver of a vehicle may turn left across a paved noncurbed dividing space unless prohibited by an official traffic control device.

(Code 1972, § 15-50)


Sec. 15-64. One-way streets and alleys enumerated.

The following streets, parts of streets, alleys and parts of alleys in the city are hereby declared to be one-way, and it shall be unlawful to operate any vehicle on a one-way street or alley in any direction other than the direction designated as follows, respectively:

(1) One-way streets.

Calhoun Street, from its intersection with Dudly Street to its intersection with Campbell Street, westbound.

Calhoun Street, from its intersection with McArthur Street to its intersection with
Johnson Street, westbound.

**Calhoun Street**, from its intersection with White Street to its intersection with Dudley Street, westbound.

**Carroll Street**, from its intersection with Campbell Street to its intersection with White Street, eastbound.

**Carroll Street**, from its intersection with Ward Street to its intersection with McArthur Street, eastbound.

**Cedar Drive**, from its intersection with Riverview Drive to its intersection with Pollock Drive, northbound.

**Charles Street**, from its intersection with Washington Street to its intersection with Kelly Street, southbound.

**Holden Drive**, its entire length, southbound.

**Holden Terrace**, its entire length, northbound.

**Jefferson Street**, from its intersection with Ward Street to its intersection with Candy Lane, eastbound.

**Johnson Street**, from its intersection with Calhoun Street to U.S. Route 136, southbound.

**Lafayette Street**, from its intersection with Calhoun Street to its intersection with Carroll Street, southbound.

**McArthur Street**, from its intersection with U.S. Route 136 to its intersection with Adams Street, northbound.

**Public square**, east side, northbound.

**Public square**, north side, westbound.

**Public square**, south side, eastbound.

**Public square**, west side, southbound.

**Randolph Street**, from its intersection with Calhoun Street to its intersection with Carroll Street, northbound.

**Roadway**, unnamed, westerly proceeding from Holden Terrace to Holden Drive.

**Washington Street**, from its intersection with Ward Street to its intersection with Candy Lane, westbound.

(2) **One-way alleys.**

**Carroll-Calhoun**, the west 110 feet of the alley running from Randolph to Campbell, eastbound.

**Fisk-McDonough**, between the property at 621 and 633 West McDonough Street and the property at 616 West Fisk Street, from McDonough Street to Fisk Street, northbound, except the northern 150 feet, which shall accommodate two-way traffic.
Sec. 15-65. Reserved.

Editor's note—
Ord. No. 2603, § 58(h), adopted Jan. 3, 1994, repealed former § 15-65, which pertained to school crossings.

Sec. 15-66. Limited load streets.

It shall be unlawful to operate any vehicle on any street, avenue or alley of the city having a gross weight, including the weight of the vehicle and the weight of the load, of 8,000 pounds or more, other than on the streets or routes designated as U.S. 67 and U.S. 136, except in case of emergency, or when necessary to load or unload merchandise or freight, or to get to or from the home of the driver of a recreational vehicle, in which cases the vehicle shall be driven by the most direct way to and from U.S. Routes 67 and 136.

(Code 1972, § 15-53)

Sec. 15-67. Vehicles in excess of 20,000 pounds or 24 feet prohibited on certain streets; exceptions.

It shall be unlawful for any person to drive any truck or vehicle having a gross weight, including the weight of the load, of over 20,000 pounds or an overall length of more than 24 feet upon any part of the following streets except when necessary to load or unload merchandise:

North Lafayette Street, from its intersection with the public square to its intersection with Carroll Street.

North Randolph Street, from its intersection with the public square to its intersection with Carroll Street.

South Lafayette Street, from its intersection with the public square to its intersection with Washington Street.

South Randolph Street, from its intersection with the public square to its intersection with Washington Street.
Sec. 15-68. Vehicles in excess of 8,000 pounds prohibited on certain streets.

It shall be unlawful for any person to drive any truck or vehicle having a gross weight, including the weight of the vehicle and the weight of the load, of more than 8,000 pounds upon any part of the following streets, except in case of an emergency, or when necessary to load or unload merchandise or freight, or get to or from the home of the driver or the place where such truck is usually kept or stored:

- **Candy Lane**, its entire length.
- **Holden Drive**, its entire length.
- **Holden Terrace**, its entire length.
- **North Charles Street**, from its intersection with Orchard Street to the Western Illinois University grounds.
- **Riverview Drive**, its entire length.
- **Western Avenue**, from its intersection with Murray Street to its intersection with Riverview Drive.

Sec. 15-69. Pedestrian walkways.

It shall be unlawful for any person to drive any motorized vehicle on any of the following alleys or parts of alleys in the city, which are hereby declared to be pedestrian walkways:

1. The west 80 feet of the alley located between Jackson Street and Carroll Street, connecting Randolph Street with Campbell Street.
2. The east 94 feet of the alley located between Jackson Street and Carroll Street, connecting Lafayette Street with McArthur Street.
3. The west 81 feet of the alley located between Jackson Street and Washington Street, connecting Randolph Street and Campbell Street.
4. The east 110 feet of the alley located between Jackson Street and Washington Street, connecting Lafayette Street and McArthur Street.

Sec. 15-70. Vehicles in excess of 80,000 pounds prohibited on certain streets.

It shall be lawful for any person to drive any truck or vehicle having a gross
weight, including the weight of the vehicle and the weight of the load, up to but not exceeding 80,000 pounds, and it shall be unlawful for any person to drive any truck or vehicle having a gross weight of the vehicle and the weight of the load of more than 80,000 pounds upon any part of the following streets, except in case of emergency, or when necessary to load or unload merchandise or freight, or to get from the home of the driver or the place where such truck is usually kept or stored:

*Bower Road*, from its intersection with Jackson Street (U.S. 136) to its intersection with University Drive.

*(Ord. No. 12-25, § 2, 5-7-12)*

**Secs. 15-71—15-80. Reserved.**

**DIVISION 2. SPEED**

Sec. 15-81. Generally.

Sec. 15-82. Maximum speed on certain streets.

Sec. 15-83. Special speed limits while passing schools.

Secs. 15-84—15-100. Reserved.

**Sec. 15-81. Generally.**

(a) Except as otherwise provided, it shall be unlawful to drive any motor vehicle on any street not under the jurisdiction of the department or the county in an urban district within the city at a speed in excess of 30 miles per hour, or in an alley at a speed in excess of 15 miles per hour.

(b) If the mayor and city council by ordinance set other limits as provided by statute after an engineering or traffic survey, then such limits shall govern the rate of speed on the streets indicated in such ordinances. The chief of police shall cause appropriate signs to be posted showing such speed limits.

(c) The speed of all vehicles of the second division having two or more solid tires shall not exceed ten miles per hour.

(d) 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 hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic by reason of weather or highway conditions, and speed shall 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.

(e) It shall be unlawful to drive any vehicle on any street or
highway within the city under the jurisdiction of the department or of the county at a speed exceeding that lawfully set for such street.

(f) It shall be unlawful to drive any motor vehicle on any street under the jurisdiction of the department or of the county, within the city, at a speed in excess of that which is established by the proper authorities.

(Code 1972, § 15-62; Ord. No. 2603, § 40, 1-3-94)


Sec. 15-82. Maximum speed on certain streets.

It shall be unlawful for any person to drive any motor vehicle on any of the following streets or portions thereof at a speed in excess of that established by this section:

**Beverly Avenue,** from South Edwards to South Pearl Street, 20 miles per hour.

**Bower Road,** from Finn Lane to University Drive, 40 miles per hour.

**Charles Street,** from its intersection with Murray Street to the Western Illinois University grounds, 20 miles per hour.

**Compton Parkway,** from Lincoln Drive to South Edwards Street, 20 miles per hour.

**Compton Parkway,** from South Pearl Street to Lincoln Drive, 20 miles per hour.

**East Street,** from Murray Street to Wheeler Street, 25 miles per hour.

**Edwards Street,** from Compton Parkway to Beverly Avenue, 20 miles per hour.

**Hickory Drive,** 25 miles per hour.

**Holden Drive,** its entire length, 20 miles per hour.

**Holden Terrace,** its entire length, 20 miles per hour.

**Murray Street,** from the east edge of Stadium Drive to the west edge of Western Avenue, 20 miles per hour.

**Oak Drive,** 25 miles per hour.

**Prairie Road,** 25 miles per hour.

**Ridge Road,** 25 miles per hour.

**Spring Lake Park,** the roads through the camping and picnic areas, 20 miles per hour.

**Timber Road,** 25 miles per hour.

**University Drive,** from Pearl Street to Bower Road, 40 miles per hour.

**Western Avenue,** from Adams Street to its northern intersection with University Drive, 20 miles per hour, from 7:00 a.m. to 7:00 p.m.
Sec. 15-83. Special speed limits while passing schools.

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 on or across which children pass going to and from school during school days when schoolchildren are present. Appropriate signs shall be posted to indicate this restriction.

Secs. 15-84—15-100. Reserved.

DIVISION 3. OVERTAKING AND PASSING
Sec. 15-101. Keeping to right; slow-moving traffic.
Sec. 15-102. Manner of meeting vehicles.
Sec. 15-103. Manner of overtaking and passing vehicles.
Sec. 15-104. Overtaking vehicles on the right.
Sec. 15-105. Limitations on overtaking on the left.
Sec. 15-106. Approaching, overtaking and passing school buses.
Secs. 15-107—15-120. Reserved.

Sec. 15-101. Keeping to right; slow-moving traffic.

(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 such movements.

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

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

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

(b) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the righthand lane available for traffic, or as close as practicable to the righthand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

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

(Code 1972, § 15-70)

Sec. 15-102. Manner of meeting vehicles.

Drivers of vehicles proceeding in opposite directions, except as provided in section 15-101, shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

(Code 1972, § 15-71)

Sec. 15-103. Manner of overtaking and passing vehicles.

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

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

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

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

(Code 1972, § 15-72)


Sec. 15-104. Overtaking vehicles on the right.

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

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

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

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

(b) The driver of a two-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than eight feet.

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

(Code 1972, § 15-73)


Sec. 15-105. Limitations on overtaking on the left.

(a) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, if
the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.

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

   (1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard if another vehicle might approach from the opposite direction.

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

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

(c) The limitations in subsection (b) of this section do not apply upon a one-way roadway or upon a roadway with unobstructed pavement of sufficient width for two or more lanes of moving traffic in each direction, or to the driver of a vehicle turning left into or from an alley, private road or driveway when such movements can made with safety.

(Code 1972, § 15-74)


Sec. 15-106. Approaching, overtaking and passing school buses.

(a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped for the purpose of receiving or discharging pupils on a highway or upon a private road within an area that is covered by a contract or agreement executed pursuant to Ill. Rev. Stat. ch. 95½, ¶ 11-209.1. Such stop is required before reaching the school bus when there are in operation on the school bus the visual signals as specified in Ill. Rev. Stat. ch. 95½, ¶¶ 12-803 and 12-805. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The stop signal arm required by Ill. Rev. Stat. ch. 95½, ¶ 12-803, shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(c) The alternately flashing red signal lamps of an eight-lamp flashing signal system required by Ill. Rev. Stat. ch. 95½, ¶ 12-805, shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated
at any other time except as provided in subsection (d) of this section.

(d) The alternately flashing amber signal lamps of an eight-lamp flashing signal system required by Ill. Rev. Stat. ch. 95 1/2, ¶ 12-805, shall be actuated continuously during not less than the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area and during not less than the last 200 feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(e) The driver of a vehicle upon a highway having four or more lanes which permits at least two lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway, and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(f) The secretary of state shall suspend for a period of 30 days the driving privileges of any person convicted of a violation of subsection (a) of this section. The secretary shall suspend for a period of 60 days the driving privileges of any person convicted of a second or subsequent violation of subsection (a) of this section if the second or subsequent violation occurs within three years of a prior conviction for the same offense. The secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the secretary of state shall find necessary to avoid any undue hardship. A restricted driving permit issued under this subsection shall be subject to cancellation, revocation and suspension by the secretary of state in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of the restricted driving permit. The secretary of state may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the purposes of determining suspension action under any other provision of this chapter, provided, however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater.

(g) The owner of any vehicle alleged to have violated subsection (a) of this section shall, upon appropriate demand by an authorized prosecutor acting in response to a signed complaint, provide a written statement or deposition identifying the operator of the vehicle if such operator was not the owner at the time of the alleged violation. Failure to supply such information shall be construed to be the same as a violation of subsection (a) of this section.
and shall be subject to the same penalties provided in this section. If the owner has assigned control for the use of the vehicle to another, the person to whom control was assigned shall comply with the provisions of this subsection and be subject to the same penalties as provided in this subsection.

(Code 1972, § 15-75)


Secs. 15-107—15-120. Reserved.

DIVISION 4. TURNING

Sec. 15-121. Required position and method of turning.

Sec. 15-122. Limitations on U-turns.

Sec. 15-123. Stop and turn signals generally.

Sec. 15-124. Signals to be given by hand and arm or signal device.

Sec. 15-125. Method of giving hand and arm signals.

Sec. 15-126. No left turn intersections.

Sec. 15-127. Prohibited U-turns.

Secs. 15-128—15-140. Reserved.

Sec. 15-121. Required position and method of turning.

(a) Generally. 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 righthand 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 lefthand 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 city council 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.

(c) *Passing stopped bus.* When a motor vehicle and a mass transit bus are traveling in the same direction on the same multilaned highway, street or road, the operator of the motor vehicle overtaking a bus which is stopped at an intersection on the right side of the roadway to receive or discharge passengers, shall pass to the left of the bus at a safe distance and shall not turn to the right in front of the bus at that intersection.

(Code 1972, § 15-81)

Sec. 15-122. Limitations on U-turns.

(a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such 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 such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

(Code 1972, § 15-82)


Sec. 15-123. Stop and turn signals generally.

(a) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in section 15-121, 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 such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner provided in this chapter.

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

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

(d) The electric turn signal device required by state law must be used to indicate an intention to turn, change lanes or start from a parallel parked position, but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, such 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.

(Code 1972, § 15-83)


Sec. 15-124. Signals to be given by hand and arm or signal device.

Any stop or turn signal, when required in this chapter, shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements provided in section 15-275.

(Code 1972, § 15-84)


Sec. 15-125. Method of giving hand and arm signals.

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

(1) Left turn: Hand and arm extended horizontally.

(2) Right turn: Hand and arm extended upward.

(3) Stop or decrease of speed: Hand and arm extended downward.

(Code 1972, § 15-85)


Sec. 15-126. No left turn intersections.

It shall be unlawful for the operator of any vehicle to turn left at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

(Code 1972, § 15-86; Ord. No. 2440, § 1, 10-15-90)
Sec. 15-127. Prohibited U-turns.

It shall be unlawful for the operator of any vehicle to make a U-turn at any place where such turns are prohibited by ordinance. Such prohibition shall be indicated by appropriate signs.

(Code 1972, § 15-87(b))

Secs. 15-128—15-140. Reserved.

DIVISION 5. RIGHT-OF-WAY
Sec. 15-141. Vehicles approaching or entering intersection.

Sec. 15-142. Vehicle turning left.

Sec. 15-143. Vehicle entering stop crosswalk.

Sec. 15-144. Vehicle entering stop or yield intersection.

Sec. 15-145. Stop at through streets.

Sec. 15-146. Through streets enumerated.

Sec. 15-147. Merging traffic.

Sec. 15-148. Vehicle entering highway from private road or driveway.

Sec. 15-149. Duties on approach of authorized emergency vehicle.

Secs. 15-150—15-160. Reserved.

Sec. 15-141. Vehicles approaching or entering intersection.

(a) When two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in subsection (a) of this section is modified at through highways and otherwise as stated in this chapter.

(Code 1972, § 15-93)


Sec. 15-142. Vehicle turning left.

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

(Code 1972, § 15-94)


Sec. 15-143. Vehicle entering stop crosswalk.

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

(Code 1972, § 15-95)


Sec. 15-144. Vehicle entering stop or yield intersection.

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

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

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

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

(Code 1972, § 15-96)


Sec. 15-145. Stop at through streets.

The streets and parts of streets of the city designated by section 15-146 as through streets are hereby declared to be through streets, and the driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard, unless directed otherwise by a traffic officer or a traffic control signal.

(Code 1972, § 15-97)

Sec. 15-146. Through streets enumerated.

The following streets and portions of streets are designated as through streets:

- **East Calhoun Street**, from Randolph Street to White Street.
- **East Carroll Street**, from White Street to Campbell Street.
- **East Jackson Street**, from Dudley Street to the east city limits.
- **East Jefferson Street**, from Randolph Street to White Street.
- **East Pierce Street**, from Randolph Street to North White Street.
- **East Washington Street**, from Randolph Street to White Street.
- **Grant Street**, from Johnson Street to the east city limits.
- **North Dudley Street**, from East Jackson Street to East Wheeler Street.
- **North Edwards Street**, from Jackson Street to Pierce Street.
- **North Lafayette Street**, from Carroll Street to the north city limits.
- **North Normal Street**, from Jackson Street to Adams Street.
- **North Pearl Street**, from East Jackson Street to East Wheeler Street.
- **North Randolph Street**, from Carroll Street to Glenwood Park Road.
- **North Sherman Avenue**, from West Jackson Street to West Adams Street.
- **North Ward Street**, from Jackson Street to Adams Street.
- **North White Street**, from East Jackson Street to East Murray Street.
- **South Dudley Street**, from East Jefferson Street to Summit Street.
South Johnson Street, from Jackson Street to Grant Street.
South Lafayette Street, from Washington Street to Grant Street.
South Madison Street, from Jefferson Street to Grant Street.
South McArthur Street, from Jefferson Street to Grant Street.
South Pearl Street, from East Jefferson Street to Beverly Avenue.
West Calhoun Street, from McArthur Street to Ward Street.
West Carroll Street, from McArthur Street to Ward Street.
West Jackson Street, from Johnson Street to Ward Street.
West Jefferson Street, from Johnson Street to Ward Street.
West Pierce Street, from North Lafayette Street to Charles Street.
West Washington Street, from Johnson Street to Ward Street.

(Code 1972, § 15-98)

Authority of city to designate through streets, Ill. Rev. Stat. ch. 95½, ¶ 11-208(a)(6).

Sec. 15-147. Merging traffic.

Notwithstanding the right-of-way provision in section 15-141, at an intersection where traffic lanes are provided for merging traffic the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.

(Code 1972, § 15-99)


Sec. 15-148. Vehicle entering highway from private road or driveway.

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

(Code 1972, § 15-100)


Sec. 15-149. Duties on approach of authorized emergency vehicle.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of law 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 righthand 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 such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

The operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

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.

(Code 1972, § 15-101)


Secs. 15-150—15-160. Reserved.

DIVISION 6. STOPPING

Sec. 15-161. Obedience to signal indicating approach of train.

Sec. 15-162. Stop at railroad grade crossings required for certain vehicles.

Sec. 15-163. Stop at stop intersections.

Sec. 15-164. Stop intersections enumerated.

Sec. 15-165. Placement of traffic control devices.

Sec. 15-166. Yield intersections enumerated.


Sec. 15-161. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing such 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 requirements stated in this subsection shall apply when:

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

(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.

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

(4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

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

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

(Code 1972, § 15-107)


Sec. 15-162. Stop at railroad grade crossings required for certain vehicles.

(a) The driver of any of the following vehicles shall, before crossing a railroad track at grade, stop such 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 and shall not proceed until such movement can be made with safety:

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

(2) Any school bus carrying a schoolchild.

(3) Any other vehicle which is required by federal or state law to be placarded when carrying as a cargo or part of a cargo hazardous material as defined in the Illinois Hazardous Materials Transportation Act. After stopping as required in this section, the driver shall proceed only in a gear not requiring a change of gears during the crossing, and the driver shall not shift gears while crossing the track.

(b) This section shall not apply at any:

(1) Railroad grade crossing where traffic is controlled by a police officer or flagperson;

(2) Railroad grade crossing controlled by a functioning traffic control signal transmitting a green indication which, under law, permits the vehicle to proceed across the railroad tracks without slowing or stopping, except that subsection (a) of this section shall apply to any school bus carrying a schoolchild;
(3) Streetcar grade crossing within a business or residence district; or

(4) Abandoned, industrial or spur track railroad grade crossing designated as exempt by the state commerce commission and marked with an official sign as authorized in the state manual on uniform traffic control devices for streets and highways.

(Code 1972, § 15-108)

Sec. 15-163. Stop at stop intersections.

The street intersections of the city designated by section 15-164 to be stop intersections are hereby designated as stop intersections, and all vehicles shall stop at the entrances to such intersections and shall proceed cautiously, yielding to vehicles not so obligated to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with.

(Code 1972, § 15-109)

Sec. 15-164. Stop intersections enumerated.

The following street intersections are hereby designated as stop intersections, and all vehicles shall stop at the entrances to such intersections indicated as follows, respectively, and shall proceed cautiously, yielding to vehicles not so obligated to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with:

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<td>Street</td>
<td>Murray Street and Madison</td>
<td>East and west</td>
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<tr>
<td>Street</td>
<td>Murray Street and Mechanic</td>
<td>North and south</td>
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<td>Street</td>
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<td>Murray Street and Monroe</td>
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<tr>
<td>Murray Street and Pearl Street</td>
<td>East and west</td>
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<tr>
<td>Murray Street and Randolph</td>
<td>East and west</td>
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<tr>
<td>Murray Street and Stadium</td>
<td>North</td>
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<td>Murray Street and State Street</td>
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<td>Murray Street and University</td>
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<td>Murray Street and Western</td>
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<td>Murray Street and White</td>
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<tr>
<td>Murray Street and Witheroe</td>
<td>North</td>
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<tr>
<td>New Burlington Road and River Run Drive</td>
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<tr>
<td>Normal Street and Jackson</td>
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<tr>
<td>Oak Street and Pearl Street</td>
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<td>Oak Street and State Street</td>
<td>West</td>
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<tr>
<td>Oak Street and Witheroe</td>
<td>North</td>
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<tr>
<td>Oakland Lane and Wigwam</td>
<td>East</td>
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<tr>
<td>Orchard Street and Avery</td>
<td>North and south</td>
<td></td>
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<tr>
<td>Orchard Street and Charles</td>
<td>East and west</td>
<td></td>
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<tr>
<td>Pam Lane and James Drive</td>
<td>South</td>
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<tr>
<td>Patton Parkway and Chase</td>
<td>South</td>
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<tr>
<td>Patton Parkway and McDonough Street</td>
<td>North and south</td>
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<tr>
<td>Pearl Street and Auburn Drive</td>
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<tr>
<td>Pearl Street and Beverly Drive</td>
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<tr>
<td>Pearl Street and Calhoun</td>
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<tr>
<td>Pearl Street and Carroll Street</td>
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<tr>
<td>Pearl Street and Compton</td>
<td>West</td>
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<tr>
<td>Street</td>
<td>Crosswalk Coordinates</td>
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<tr>
<td>Pearl Street and Jackson</td>
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<tr>
<td>Pearl Street and Jefferson</td>
<td>East and west</td>
<td></td>
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<tr>
<td>Pearl Street and Pierce Street</td>
<td>All</td>
<td></td>
</tr>
<tr>
<td>Pearl Street and Washington</td>
<td>North and south</td>
<td></td>
</tr>
<tr>
<td>Pedestrian crosswalk across</td>
<td>North and south side of the 800 block of North Western Avenue, such crosswalk to be</td>
<td></td>
</tr>
<tr>
<td>Penny Lane and Jana Road</td>
<td>10 feet in width and to be located approximately 480 feet North of the center of the</td>
<td></td>
</tr>
<tr>
<td>Pennyoaks Drive and Grant</td>
<td>intersection of Western Avenue and Riverview Drive.</td>
<td></td>
</tr>
<tr>
<td>Karenoaks Drive</td>
<td>West</td>
<td></td>
</tr>
<tr>
<td>Pennyoaks Drive and</td>
<td>South</td>
<td></td>
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<tr>
<td>Karen oaks Drive</td>
<td>East</td>
<td></td>
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<tr>
<td>Pierce Street and Avery Street</td>
<td>North and south</td>
<td></td>
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<tr>
<td>Pierce Street and Griffin Street</td>
<td>South</td>
<td></td>
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<tr>
<td>Pierce Street and Home Street</td>
<td>North, south and west</td>
<td></td>
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<tr>
<td>Pierce Street and Johnson</td>
<td>All</td>
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<tr>
<td>Pierce Street and Prairie</td>
<td>All</td>
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<tr>
<td>Pierce Street and Randolph</td>
<td>East and west</td>
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<tr>
<td>Pierce Street and Scotland</td>
<td>All</td>
<td></td>
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<tr>
<td>Pierce Street and White Street</td>
<td>East and west</td>
<td></td>
</tr>
<tr>
<td>Pinecrest and Oakmont Court</td>
<td>East</td>
<td></td>
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<tr>
<td>Piper Street and Albert Street</td>
<td>North and south</td>
<td></td>
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<tr>
<td>Piper Street and Campbell</td>
<td>North and south</td>
<td></td>
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<tr>
<td>Piper Street and Charles</td>
<td>East and west</td>
<td></td>
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<tr>
<td>Piper and Clay Street</td>
<td>All</td>
<td></td>
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<tr>
<td>Piper Street and College</td>
<td>North and south</td>
<td></td>
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<tr>
<td>Piper Street and Dudley Street</td>
<td>East and west</td>
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<td>Street</td>
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<td>Direction</td>
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<tr>
<td>Piper Street and Edwards</td>
<td>East and west</td>
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<td>Piper Street and Johnson</td>
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<td>Piper Street and Lafayette</td>
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<td>Piper Street and Madison</td>
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<td>Piper Street and Mechanic</td>
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<td>Piper Street and Monroe</td>
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<td>Piper Street and Normal Street</td>
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<td>Piper Street and Pearl Street</td>
<td>East and west</td>
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<tr>
<td>Piper Street and Randolph</td>
<td>East and west</td>
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<tr>
<td>Piper Street and Summers</td>
<td>South</td>
<td></td>
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<tr>
<td>Piper Street and Ward Street</td>
<td>East and west</td>
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<tr>
<td>Piper Street and White Street</td>
<td>North</td>
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<tr>
<td>Pollock Drive and Wigwam</td>
<td>West</td>
<td></td>
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<tr>
<td>N. Randolph Street and East</td>
<td>North</td>
<td></td>
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<tr>
<td>S. Randolph Street and East</td>
<td>South</td>
<td></td>
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<tr>
<td>Randolph Street and Chase</td>
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<td>Randolph Street and Franklin</td>
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<td>Randolph Street and Grant</td>
<td>North</td>
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<tr>
<td>Randolph Street and Hickory</td>
<td>North, south and east</td>
<td></td>
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<tr>
<td>Randolph Street and Summit</td>
<td>East</td>
<td></td>
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<tr>
<td>Randolph Street and University Drive</td>
<td>North and south</td>
<td></td>
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<tr>
<td>Randolph Street and Walker</td>
<td>East</td>
<td></td>
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<tr>
<td>Randolph Street and Washington Street</td>
<td>North and south</td>
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<td>Street</td>
<td>Names of Streets</td>
<td>Direction</td>
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<tr>
<td>Woodbury Street</td>
<td>Randolph Street and Yeiser</td>
<td>East</td>
</tr>
<tr>
<td>Avenue</td>
<td>Rebecca Lane and Carolbeth</td>
<td>East</td>
</tr>
<tr>
<td>Street</td>
<td>Redbud at Woodland</td>
<td>West (both locations)</td>
</tr>
<tr>
<td>Street</td>
<td>Riley Street and Calhoun</td>
<td>North and south</td>
</tr>
<tr>
<td></td>
<td>Riley Street and Carroll Street</td>
<td>North and south</td>
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<tr>
<td></td>
<td>Riley Street and Jackson</td>
<td>North and south</td>
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<tr>
<td>Street</td>
<td>Riley Street and Jefferson</td>
<td>South</td>
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<tr>
<td>Street</td>
<td>Riley Street and Washington</td>
<td>North</td>
</tr>
<tr>
<td>Street</td>
<td>Riley Street and the alley located between West Jackson</td>
<td>West</td>
</tr>
<tr>
<td></td>
<td>Street and Carroll Street</td>
<td></td>
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<tr>
<td></td>
<td>Robin Road and Adams Street</td>
<td>South</td>
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<tr>
<td>Street</td>
<td>Robin Road and Jackson</td>
<td>North</td>
</tr>
<tr>
<td>Court</td>
<td>Scotch Pine and Oakmont</td>
<td>North</td>
</tr>
<tr>
<td>Street</td>
<td>Scotland Street and Wheeler</td>
<td>North</td>
</tr>
<tr>
<td>Street</td>
<td>Shady Lane and Jackson</td>
<td>South</td>
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<tr>
<td>Street</td>
<td>Sherman Avenue and Calhoun</td>
<td>North and south</td>
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<td></td>
<td>Sherman Avenue and Carroll</td>
<td>North and south</td>
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<td>Sherman Avenue and Jackson</td>
<td>North and south</td>
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<td>Street</td>
<td>Sherman Avenue and Washington</td>
<td>North</td>
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<td></td>
<td>Stacy Lane and Grant Street</td>
<td>South</td>
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<tr>
<td>Street</td>
<td>State Street and Ash Street</td>
<td>West</td>
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<tr>
<td></td>
<td>State Street and Elm Street</td>
<td>West</td>
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<tr>
<td></td>
<td>State Street and University</td>
<td>South</td>
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<tr>
<td>Drive</td>
<td>Street</td>
<td>Intersection</td>
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</tr>
<tr>
<td>Drive</td>
<td>Steven Court and Debbie Lane</td>
<td>East</td>
</tr>
<tr>
<td>Street</td>
<td>Summit Street and Dudley</td>
<td>East and west</td>
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<tr>
<td>Street</td>
<td>Summit Street and Madison</td>
<td>West</td>
</tr>
<tr>
<td>Hollow Road</td>
<td>Totem Trail and Wigwam</td>
<td>East</td>
</tr>
<tr>
<td>Road</td>
<td>University Drive; the intersection of the east-west portion of that drive with the north-south portion thereof, which intersection is located north and west of the new Life Science Building</td>
<td>All</td>
</tr>
<tr>
<td>Road</td>
<td>University Drive and Bower</td>
<td>All</td>
</tr>
<tr>
<td>Street</td>
<td>University Drive and Industrial</td>
<td>South</td>
</tr>
<tr>
<td>Street</td>
<td>University Drive and Lafayette</td>
<td>All</td>
</tr>
<tr>
<td>Street</td>
<td>University Drive and Pearl</td>
<td>South</td>
</tr>
<tr>
<td>Hollow Road</td>
<td>University Drive and Wigwam</td>
<td>North, south and east</td>
</tr>
<tr>
<td>Lot Entrance/Exit</td>
<td>University Drive (West) and Q Lot Entrance/Exit</td>
<td>All</td>
</tr>
<tr>
<td>Avenue</td>
<td>Verzel Drive and Maple</td>
<td>East</td>
</tr>
<tr>
<td>Street</td>
<td>Walker Street and Dudley</td>
<td>East and west</td>
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<tr>
<td>Street</td>
<td>Walker Street and Madison</td>
<td>West</td>
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<tr>
<td>Boulevard</td>
<td>Ward Street and Barsi</td>
<td>East</td>
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<tr>
<td>Street</td>
<td>Ward Street and Chase Street</td>
<td>East</td>
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<tr>
<td>Street</td>
<td>Ward Street and Grant Street</td>
<td>All</td>
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<tr>
<td>Street</td>
<td>Ward Street and McDonough</td>
<td>East</td>
</tr>
<tr>
<td>Bonham Street</td>
<td>Washington Street and</td>
<td>North</td>
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<tr>
<td>Street</td>
<td>Washington Street and</td>
<td>North and south</td>
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<tr>
<td>Street</td>
<td>Washington Street and Clark</td>
<td>North and south</td>
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<tr>
<td>Street</td>
<td>Washington Street and Dudley</td>
<td>East and west</td>
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<tr>
<td>Johnson Street</td>
<td>Washington Street and</td>
<td>North, south and east</td>
</tr>
<tr>
<td>Lafayette Street</td>
<td>Washington Street and</td>
<td>East</td>
</tr>
<tr>
<td>McArthur Street</td>
<td>Washington Street and</td>
<td>North and south</td>
</tr>
<tr>
<td>Randolph Street</td>
<td>Washington Street and</td>
<td>East</td>
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<tr>
<td>Street</td>
<td>Washington Street and Ward</td>
<td>East</td>
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<tr>
<td>Street</td>
<td>Washington Street and White</td>
<td>North and south</td>
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<tr>
<td>Lane</td>
<td>Westbrook Circle and Linden</td>
<td>West</td>
</tr>
<tr>
<td>Street</td>
<td>Westbrook Circle and</td>
<td>North</td>
</tr>
<tr>
<td>Riverview Drive</td>
<td>Western Avenue and Carroll</td>
<td>West</td>
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<tr>
<td>Street</td>
<td>Western Avenue and Center</td>
<td>East, west and south</td>
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<tr>
<td>Drive</td>
<td>Western Avenue and Parkview</td>
<td>West</td>
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<tr>
<td>Street</td>
<td>Western Avenue and</td>
<td>All</td>
</tr>
<tr>
<td>University Drive</td>
<td>Western Avenue and</td>
<td>All</td>
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<tr>
<td>Street</td>
<td>Wheeler Street and Campbell</td>
<td>East and west</td>
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<tr>
<td>Street</td>
<td>Wheeler Street and Dudley</td>
<td>West</td>
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<tr>
<td>Street</td>
<td>Wheeler Street and Edwards</td>
<td>East and west</td>
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<tr>
<td>Street</td>
<td>Wheeler Street and Griffin</td>
<td>North and south</td>
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<tr>
<td>Street</td>
<td>Wheeler Street and Home</td>
<td>North</td>
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<tr>
<td>Street</td>
<td>Wheeler Street and Pearl</td>
<td>East and west</td>
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</tr>
<tr>
<td>Avenue</td>
<td>Wheeler Street and Prairie</td>
<td>All</td>
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<tr>
<td>Street</td>
<td>Wheeler Street and Randolph</td>
<td>East</td>
</tr>
<tr>
<td>Street</td>
<td>Wheeler Street and State</td>
<td>South and north</td>
</tr>
<tr>
<td>Circle (East)</td>
<td>Wheeler Street and Wheeler</td>
<td>North</td>
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<tr>
<td>Circle (West)</td>
<td>Wheeler Street and Wheeler</td>
<td>North</td>
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<tr>
<td>Street</td>
<td>White Street and Jackson</td>
<td>North and south</td>
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<tr>
<td>Street</td>
<td>White Street and Jefferson</td>
<td>North and south</td>
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<tr>
<td>Street</td>
<td>White Street and Murray</td>
<td>All</td>
</tr>
<tr>
<td>Tower Road</td>
<td>Wigwam Hollow Road and</td>
<td>North and south</td>
</tr>
<tr>
<td>Street</td>
<td>Withroe Street and Elm Street</td>
<td>North and south</td>
</tr>
<tr>
<td>Street</td>
<td>Woodbury Street and Johnson</td>
<td>East and west</td>
</tr>
<tr>
<td>McArthur Street</td>
<td>Woodbury Street and</td>
<td>East and west</td>
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<tr>
<td>Lafayette Street</td>
<td>Woodbury Street and</td>
<td>East and west</td>
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<tr>
<td>Hollow Road</td>
<td>Woodland Lane and Wigwam</td>
<td>East</td>
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<tr>
<td>Street</td>
<td>Yeiser Street and Dudley</td>
<td>East and west</td>
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<tr>
<td>Street</td>
<td>Yeiser Street and Madison</td>
<td>East and west</td>
</tr>
</tbody>
</table>

(Code 1972, § 15-110; Ord. No. 2442, § 1, 11-5-90; Ord. No. 2462, § 1, 5-6-91; Ord. No. 2497, § 1, 3-2-92; Ord. No. 2522, § 1, 7-6-92; Ord. No. 2527, § 2, 8-3-92; Ord. No. 2534, § 1, 9-8-92; Ord. No. 2540, § 1, 10-19-92; Ord. No. 2603, § 41, 1-3-94; Ord. No. 2605, § 1, 1-24-94; Ord. No. 2621, § 1, 5-16-94; Ord. No. 2622, § 1, 6-6-94; Ord. No. 2663, § 1, 4-17-95; Ord. No. 2674, § 1, 9-5-95; Ord. No. 2677, § 1, 9-18-95; Ord. No. 2725, § 1, 6-16-97; Ord. No. 2782, § 1, 3-15-99; Ord. No. 2811, § 1, 10-2-00; Ord. No. 2828, § 1, 4-16-01; Ord. No. 2835, § 1, 7-2-01; Ord. No. 2841, § 1, 10-1-01; Ord. No. 2842, § 1, 10-1-01; Ord. No. 2849, § 1, 11-19-01; Ord. No. 2904, § 1, 2-3-03; Ord. No. 2912, § 1, 4-21-03; Ord. No. 2924, § 1, 6-16-03; Ord. No. 05-24, § 3, 8-15-05; Ord. No. 07-18, § 2, 5-21-07; Ord. No. 09-11, § 2,
Sec. 15-165. Placement of traffic control devices.

Traffic control devices shall be placed at the locations indicated in this section. Every driver shall obey any traffic control device authorized by this section. Traffic control devices shall be placed as follows:

<table>
<thead>
<tr>
<th>Device</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stop Signs</td>
<td>Southeast corner of Lot 6 of Woodland Hills</td>
</tr>
<tr>
<td></td>
<td>Addition and opposite side of the street to control traffic turning west</td>
</tr>
<tr>
<td></td>
<td>at the 90 degree turn on Woodland Lane.</td>
</tr>
</tbody>
</table>

(Ord. No. 2764, § 1, 6-16-98; Ord. No. 2764, § 1, 6-16-98)

Sec. 15-166. Yield intersections enumerated.

The following are hereby designated yield intersections, and all vehicles shall yield at the entrances to such intersections indicated as follows, respectively, and shall proceed cautiously, yielding to vehicles not so obligated to yield which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Entrance to Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westview Drive</td>
<td>West</td>
</tr>
<tr>
<td>Campusview Drive and West</td>
<td></td>
</tr>
<tr>
<td>Courthouse Square and East</td>
<td>West</td>
</tr>
<tr>
<td>Courthouse Square and East</td>
<td>East</td>
</tr>
<tr>
<td>Edwards Street and Beverly</td>
<td>East</td>
</tr>
<tr>
<td>Edwards Street and Compton</td>
<td>East</td>
</tr>
<tr>
<td>Grant Street and Deer Road</td>
<td>East</td>
</tr>
<tr>
<td>Grant Street and Deer Road</td>
<td>West</td>
</tr>
<tr>
<td>(right turn need not yield)</td>
<td></td>
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</tbody>
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Authority of city to designate stop intersections, 625 ILCS 5/11-208(a)(6).
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<tr>
<th>Road</th>
<th>Hemp Road and East Street</th>
<th>West</th>
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<tr>
<td>Avenue</td>
<td>Industrial Drive and Hemp</td>
<td>North</td>
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<tr>
<td>Street</td>
<td>Jamie Lane and Bobby</td>
<td>East</td>
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<td>Avenue</td>
<td>Jamie Lane and Franklin</td>
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<tr>
<td>Drive</td>
<td>Joseph Street and Susan</td>
<td>North</td>
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<tr>
<td>Street (extended)</td>
<td>Madelynn Avenue and Memorial</td>
<td>South</td>
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<td>Lane</td>
<td>Robin Road and Jackson (extended)</td>
<td>East</td>
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<td>Susan Avenue and Rebecca</td>
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(Code 1972, § 15-111; Ord. No. 2433, § 1, 9-18-90; Ord. No. 2457, § 1, 4-15-91; Ord. No. 2482, § 1, 11-4-91; Ord. No. 2764, § 2, 6-16-98; Ord. No. 17-14, § 3, 6-19-17)

**Secs. 15-167—15-180. Reserved.**

**ARTICLE III. PEDESTRIANS [2][63]**

Sec. 15-181. Obedience to traffic control devices and traffic regulations.

Sec. 15-182. Pedestrians' right-of-way at crosswalks.

Sec. 15-183. Standing in roadway.

Sec. 15-184. Crossing with traffic.

Sec. 15-185. Standing on sidewalk.

Sec. 15-186. Use of crosswalk required at certain locations.

Sec. 15-187. Crossing at places other than crosswalks.

Sec. 15-188. Use of shortest route when crossing roadway.

Sec. 15-189. Pedestrians to use right half of crosswalks.

Sec. 15-190. Pedestrians soliciting rides or business.

Sec. 15-191. Pedestrians' right-of-way on sidewalks.

Sec. 15-192. Walking on roadway.

Sec. 15-193. Blind, hearing impaired or physically handicapped pedestrians.

Sec. 15-181. 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 as provided in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

(Code 1972, § 15-121)

Sec. 15-182. Pedestrians' right-of-way at crosswalks.

(a) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, 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) 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 such stopped vehicle.

(c) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, pedestrians shall have the right-of-way over drivers of vehicles as set forth in section 15-144.

(Code 1972, § 15-122)

Similar provisions, 625 ILCS 5/11-1002.

Sec. 15-183. Standing in roadway.

No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic.

(Code 1972, § 15-123)

Sec. 15-184. Crossing with traffic.

At intersections where traffic is directed by a police officer or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful movement of traffic.

(Code 1972, § 15-124)
Sec. 15-185. Standing on sidewalk.

It shall be unlawful for a pedestrian to stand upon any sidewalk, except as near as reasonably possible to the building line or curbline, if such standing interferes with the use of the sidewalk by other pedestrians.

(Code 1972, § 15-125)

Sec. 15-186. Use of crosswalk required at certain locations.

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

(b) No pedestrian shall cross a roadway other than in a crosswalk in any business district.

(Code 1972, § 15-126)

Sec. 15-187. Crossing at places 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) 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.

(Code 1972, § 15-127)

Similar provisions, 625 ILCS 5/11-1003(a), (b), & 11-1003.1.

Sec. 15-188. Use of shortest route when crossing roadway.

(a) At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing.

(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) Subsection (a) shall not apply under the condition stated in subsection 15-187(b).
Sec. 15-189. Pedestrians to use right half of crosswalks.

   Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Sec. 15-190. 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, except when expressly permitted by city ordinance. Solicitation on highways shall be allowed only at intersections where all traffic is required to come to a full stop. The soliciting agency shall be:

       (1) Registered with the attorney general of the state as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor," approved July 26, 1963, as amended;

       (2) Engaged in a statewide fundraising activity; and

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

   Any person engaged in the act of solicitation shall be 16 years of age or more and shall be wearing a high-visibility vest.

   (d) No person shall stand on or in the proximity of a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a highway.

Sec. 15-191. Pedestrians' right-of-way on sidewalks.

   The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk or any
Sec. 15-192. Walking on roadway.

(a) When a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and if on a two-way roadway shall walk only on the left side of the roadway.

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

(Similar provisions, 625 ILCS 5/11-1007.)

Sec. 15-193. Blind, hearing impaired or physically handicapped pedestrians.

The driver of a vehicle shall yield the right-of-way to any blind, or physically disabled pedestrian carrying a clearly visible white cane or accompanied by a support or guide dog.

(Similar provisions, 625 ILCS 5/11-1004.)

ARTICLE IV. PARKING [3][64]

DIVISION 1. GENERALLY

Sec. 15-211. Presumption regarding responsibility for violations.

Sec. 15-212. Signs required.

Sec. 15-213. Stopping, standing or parking prohibited in specified places.

Sec. 15-214. No parking zones.

Sec. 15-215. Parking prohibited during certain hours on specific streets; limited parking
Sec. 15-216. Handicapped parking.
Sec. 15-217. Use of loading zones.
Sec. 15-218. Parking time limits generally.
Sec. 15-219. City parking lots generally.
Sec. 15-219.1. Parking in Macomb Junior/Senior High School lots.
Sec. 15-220. Parking lots at city building.
Sec. 15-221. Use of taxicab and bus stands.
Sec. 15-222. Go West bus stops established.
Sec. 15-223. Parking on private property.
Sec. 15-224. Parking in alleys.
Sec. 15-225. Parking for purpose of sale of vehicle or peddling.
Sec. 15-226. Parking unhitched trailers.
Sec. 15-227. Parking livestock trucks, garbage trucks, etc.
Sec. 15-228. Unattended motor vehicles.
Sec. 15-229. Reserved.
Sec. 15-230. Unattended animals.
Sec. 15-231. Manner of parking.
Sec. 15-232. Starting parked vehicles.
Sec. 15-234. Snow routes on arterial streets.
Sec. 15-235. Prohibited off-street parking of certain vehicles.
Secs. 15-236—15-250. Reserved.

**Sec. 15-211. Presumption regarding responsibility for violations.**

The fact that an automobile which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the automobile at the time of such parking.

*(Code 1972, § 15-144)*

**Sec. 15-212. Signs required.**

The chief of police or any other person authorized by the mayor and city council shall cause signs to be posted in all areas where parking is limited or prohibited,
indicating such limitations or prohibitions.

(Code 1972, § 15-145)

Sec. 15-213. Stopping, standing or parking prohibited in specified places.

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

(1) Stop, stand or park a vehicle:
   a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
   b. On a sidewalk.
   c. Within an intersection.
   d. On a crosswalk.
   e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
   f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
   g. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel.
   h. On any railroad tracks.
   i. At any place where official signs prohibit stopping.
   j. On any controlled access highway.
   k. In the area between roadways of a divided highway, including crossovers.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
   a. In front of, or within five feet on either side of, a public or private driveway.
   b. Within 15 feet of a fire hydrant, standpipe siamese connection, sprinkler siamese connection, or any other fire suppression system or equipment on public or private property.
   c. Within 20 feet of a crosswalk
at an intersection.

d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.

e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance, when properly signposted.

f. At any place where official signs prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

a. Within 50 feet of the nearest rail of a railroad crossing.

b. At any place where official signs prohibit parking.

(4) Park a motor vehicle or motorcycle on any dirt or grassy area within the city limits, other than at parks and campgrounds, except temporarily for the purpose of loading or unloading passengers or property or for the cleaning or temporary sheltering of the vehicle.

b. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

c. The chief of police, the community development coordinator, or any other person authorized by the mayor and city council, shall be allowed to issue tickets for violations of the provisions of subsections (a)(4) and (a)(1)(b).

(Code 1972, § 15-146; Ord. No. 2603, § 44, 1-3-94; Ord. No. 2709, § 1, 11-4-96; Ord. No. 2958, 3-15-04; Ord. No. 05-28, § 2, 9-19-05)

Similar provisions, 625 ILCS 5/11-1303.

Sec. 15-214. No parking zones.

It shall be unlawful to park a vehicle or permit any vehicle to stand at any time in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device:

Adams Street, on both sides, from Layafette Street to North Johnson Street.

Adams Street, on its north side, from 300 feet west of Western Avenue to the west city limits.
Adams Street, on its north side, from White Street to Bonham Street.
Adams Street, on its south side, from Eggers Drive to a point 115 feet east.
Adams Street, on its north side, from 1390 feet east of the intersection with Wigwam Hollow Road to the west city limits.
Adams Street, on its south side, from Charles Street to 150 feet west of the intersection of Western Avenue and from 1409 West Adams Street to the west city limits.
Adams Street, on its south side, from Madison Avenue to Prairie Avenue.
Adams Street, on the north side of the 1000 block of East Adams Street, beginning at the east edge of the north-south alley and running easterly 63 feet.
Adams Street, on its north side, from Lafayette Street to Randolph Street.
Adams Street, on its north side, from North Johnson Street to Western Avenue.
Adams Street, the 1200 block, on its north side, within 30 feet of the two existing driveways.
Albert Street, on its west side, between Elting Street and the north end of Albert Street; also at the north end of Albert Street.
Albert Street, on the east and west side of the 900 block of north Albert Street.
Albert Street, on both sides, from Murray Street to Elting Street.
Albert Street, on both sides, from Jackson Street to Kelly Street.
Auburn Drive, on its south side, for its entire length.
Avery Street, on its west side, from Murray Street to Pierce Street.
Avery Street, on its east and west sides, from Murray Street to Elting Street.
Bonham Street, on its west side, from Jackson Street to Adams Street, and on its east side from the intersection with Calhoun Street south a distance of 230 feet.
Bonham Street, on its east side, from Jackson Street to Washington Street.
Bower Road, on its east and west sides, for its entire length.
Calhoun Street, on its south side, from Campbell Street to Lafayette Street.
Calhoun Street, on its north side, from Lafayette Street to Bonham Street.
Calhoun Street, on its north side, from Lafayette Street to the CB&Q right-of-way.
Calhoun Street, on its north side, from McArthur Street to the west city limits.
Calhoun Street, on its south side, from the North Johnson Street intersection to a point 300 feet west.
Campbell Street, on its east and west side, from Jackson Street to the Burlington Northern Railroad tracts.
Campbell Street, on its west side, from the alley located between Washington Street and Jackson Street north to its intersection with Jackson Street.

Campbell Street, on the east side, from the Burlington Northern Railroad tracks to Wheeler Street.

Campbell Street, on its east side, from Jefferson Street to Piper Street.

Campusview Drive, on both sides, its entire length.

Candy Lane, on both sides, from Washington Street to the south city limits.

Candy Lane, on the west side, from Washington Street to a point 130 feet north of the Washington Street intersection.

Carey Avenue, on its north side, beginning 223 feet west from the intersection of Carey Avenue and Pearl Street, west for a distance of 100 feet from the point of beginning.

Carroll Street, on the approach side, within 30 feet of the traffic signals of its intersection with Lafayette Street.

Carroll Street, on the approach side, within 30 feet of the traffic signals at its intersection with Randolph Street.

Carroll Street, on its south side, from McArthur Street to Western Avenue.

Carroll Street, on its north side, from Randolph Street to Campbell Street.

Carroll Street, on its south side, from Campbell to White Street.

Carroll Street, on its north side, between Charles Street and the Burlington Northern railroad tracks.

Carroll Street, on its south side, from White Street to Prairie Street.

Carroll Street, on both sides, from Prairie Street to East Street.

Cedar Drive, on its west side, from Riverview Drive to Pollock Drive.

Chandler Boulevard, on both sides of the roadway running along the east side.

Chandler Boulevard, on both sides of the roadway running along the west side.

Charles Street, on both sides, between Jackson Street and Washington Street.

Charles Street, on its east side, from Calhoun Street to the north city limits.

Charles Street, on its west side, from Adams Street to Pierce Street.

Charles Street, on its west side, from Elting Street to the north city limits.

Charles Street, within 30 feet of its intersection with West Murray Street.

Chase Street, on both sides, between the intersection of Chase Street and that part of Johnson Street lying north of Chase Street and the intersection of Chase Street and that part of Johnson Street lying south of Chase Street.
Chase Street, on its north side, from Johnson Street to Clay Street.

Clark Street, on its east and west sides, from Jackson Street to Chandler Street.

Clark Street, on its east and west sides, from Washington Street to Jefferson Street.

Clay Street, both sides, from Jackson Street to Washington Street.

Clay Street, on its west side, from Adams Street to Chandler Street.

Clay Street, on its east side, from Chase Street North to the alley.

Clay Street, on its east side, beginning at the north edge of the east-west alley located in the 100 block to Adams Street.

College Street, on the east side, from Calhoun Street to Adams Street.

Columbia Street, on its east side, from West Calhoun Street to West Jackson Street.

Compton Park, on the park side of those streets which bound Compton Park.

Dudley Street, on its east side, from Grant Street to Pierce Street.

Dudley Street, on its west side, from Jackson Street to the railroad tracks.

Dudley Street, on its west side, from Jackson Street to Washington Street.

Dudley Street, on its west side, running north from Jefferson Street to the alley.

Dudley Street, on its west side, running south from Jefferson Street 173 feet.

East Street, on both sides, for its entirety.

Edwards Street, on its east side, from Jackson Street to Jefferson Street.

Eggers Drive, on its west side, from the intersection with Adams Street south a distance of 143 feet.

Elting Street, on both sides, except that part on the north side thereof extending from Albert Street to a point 200 feet west of Albert Street and the north side of the 300 block.

Fisk Street, on its north side, from Johnson Street west to the first driveway.

Franklin, on its south side, from Dudley Street to a point 90 feet east of the intersection of Franklin and Dudley.

Grant Street, on both sides, its entire length to the west and east city limits.

Holden Drive, on its east side, its entire length.

Holden Terrace, on its west side, its entire length.

Holden on the north and south sides of the street connecting the north end of Holden Terrace with the north end of Holden Drive.
Jackson Street, on both sides, from Campbell Street to the east city limits.

Jackson Street, on both sides, from McArthur Street to the west city limits.

Jackson Street, on its north side, within 180 feet east of the traffic control signal at its intersection with McArthur Street.

Jackson Street, on its south side, within 160 feet east of the traffic control signal at its intersection with McArthur Street.

Jackson Street, on its north side, within 130 feet west of the traffic control signal at its intersection with Campbell Street.

Jackson Street, on its south side, within 190 feet west of the traffic control signal at its intersection with Campbell Street.

Jana Road, on its south and west sides, from University Drive to Wigwam Hollow Road.

Jana Road, on its west side, from University Drive to Penny Lane.

Jefferson Street, on both sides, from Candy Lane to its eastern terminus.

Jefferson Street, on its north side, from Ward Street to White Street.

Jefferson Street, on its south side, from Johnson Street to McArthur Street.

Jefferson Street, on both sides, within 30 feet of its intersection with South Johnson Street.

Johnson Street, on its east side, from Jackson Street to Grant Street.

Johnson Street, on its west side, from the center of the 200 block to its intersection with Piper Street, except beginning at a point 60 feet north of the intersection with Jefferson to a second point 178 feet north of said intersection.

Johnson Street, on its west side, from Jefferson Street north a distance of 180 feet.

Johnson Street, on its west side, from Jefferson Street to Chase Street.

Johnson Street, within 175 feet of the traffic control signals at its intersection with Jackson Street, on the side approaching the signals.

Johnson Street, on the east and west sides of the 100 block of South Johnson Street.

Johnson Street, on both sides, from the bridge across Kiljordan Creek to the city limits south of Harmony Lane.

Johnson Street, on its east side, from Carroll Street to Murray Street.

Johnson Street, on its west side, between Pierce Street and Murray Street.

Knight Street, on its west side, from Kelly Street to Fisk Street.

Kurlene Avenue, on its southerly side, from Jana Road to Wigwam Hollow
Road.

*Lafayette Street,* on both sides, from Jackson Street to the north city limits.

*Lafayette Street,* on its west side, from Jefferson Street to a point 64 feet north of Jefferson Street.

*Lafayette Street,* on its east side, from Jefferson Street to Grant Street.

*Lamoine Street,* on its east side, from Jackson Street to Calhoun Street.

*Lawndale,* on its north side, from Pearl to Lincoln.

*Linden Lane,* on both sides, from Riverview Drive to University Drive.

*Maple Avenue,* on its east and west sides, from Grant Street to the south city limits.

*McArthur Street,* on its east side, from Carroll Street to Pierce Street.

*McArthur Street,* on the east and west sides of the 100 block between Jackson Street and Carroll Street.

*McArthur Street,* on its east side, from Jefferson Street to Grant Street.

*McArthur Street,* on its west side of the 100 block beginning at a point 103.5 feet south of its intersection with West Jackson Street, for a distance of 142 feet, in front of the 911 Center where the sidewalk protrudes out onto the street.

*McDonough Street,* on the south side, from Lafayette Street to Johnson Street.

*Madison Street,* on its east side, from Jackson Street to Calhoun Street and from Adams Street through the 900 block.

*Mechanic Street,* on its west side, from Wheeler Street to Pierce Street.

*Mechanic Street,* on both sides, of the 700 block of North Mechanic Street.

*Monroe Street,* on its west side, from Jackson Street to Wheeler Street.

*Murray Street,* on both sides, of the 200 block of East Murray.

*Murray Street,* on its north side, from Johnson Street to Western Avenue.

*Murray Street,* on the north and south sides, from Lafayette Street to Randolph Street.

*Murray Street,* on its north side, from Mechanic Street to College Street.

*Murray Street,* on its south side, within 48 feet of Charles Street.

*Murray Street,* on both sides, within 30 feet of its intersection with North Charles Street.

*Murray Street,* on its south side, from Avery Street to Stadium Drive.

*New Burlington Road,* on both sides, for its entire length.

*Old Burlington Road,* on both sides, for its entire length.
Orchard Drive, on both sides, the 700 block.

Orchard Street, on both sides, from Charles Street to Albert Street.

Orchard Street, Charles and Stadium Drive. on the north side of the 500 and 600 blocks, between North Charles and Stadium Drive.

Parkview Drive, on both sides, its entire length.

Pearl Street, on its west side, from Carroll Street to Piper Street.

Pearl Street, side of the 600 block. on it's the east and west sides of the 500 block and on the east side of the 600 block.

Pearl Street, Jefferson Street. on its east side, within 100 feet north of its intersection with Jefferson Street.

Penny Lane, on its south and west sides, from University Drive to Kurlene Avenue.

Pierce Street, within 30 feet of its intersection with North Randolph Street.

Pierce Street, on its north side, from Bonham Street to East Street.

Pierce Street, on its north side, from Lafayette Street to McArthur Street.

Pierce Street, on its south side, from Randolph Street to State Street.

Pierce Street, on both sides, from Lafayette Street to Randolph Street.

Pierce Street, within 30 feet of its intersection with North Randolph Street.

Pierce Street, on its south side, from McArthur Street to Avery Street.

Piper Street, on its north side, from Johnson Street to Ward Street; except that parking for the purpose of discharging and loading of passengers shall be permitted in the area in front of Wilson Street.

Piper Street, on its north side, from Johnson Street to 191 feet east of Johnson Street.

Piper Street, on its north side, from Madison Street to Randolph Street.

Piper Street, on its south side, from Madison Street to Johnson Street.

Piper Street, on both sides, from Monroe Street to Candy Lane.

Pollock Drive, on both sides beginning at a point 155 feet west of the intersection of Pollock Drive and Wigwam Hollow Road and ending at a point 170 feet west of said intersection.

Prairie Avenue, on its west side, from Jackson Road to Carroll Street.

Randolph Street, Pierce Street. on both sides, within 30 feet of its intersection with East Pierce Street.

Randolph Street, on both sides, from Pierce Street to the north city limits.
Randolph Street, on its west side, from the railroad tracks to Calhoun Street.

Randolph Street, on the approach side, within 30 feet of the traffic signals at its intersection with Carroll Street.

Randolph Street, on its west side, from Grant Street to Yeiser Street.

Randolph Street, on its east side, from Jefferson Street to Grant Street.

Riley Street, on both sides, from Jackson Street to Calhoun Street.

River Run Drive, on both sides, for its entire length.

Riverview Drive, on its south side, within 50 feet west of the intersection of Riverview Drive with Wigwam Hollow Road, and on its north side from Western Avenue to Glen Oak Drive.

Robin Road, on both sides, on that portion of Robin Road which runs in an easterly and westerly direction.

Scotland Drive, on both sides, its entire length.

Shady Lane, on both sides, its entire length.

Sherman Avenue, on both sides, from Jackson Street to Washington Street.

Sherman Avenue, on its east side, from Jackson Street to Adams Street.

Sherman Avenue, on its west side, from its intersection with Adams Street to a point 55 feet to the south.

South Street (commonly known as East Hainline Street), on both sides, from Lafayette Street to Randolph Street.

Stadium Drive, on its east side, its entire length.

Stadium Drive, on its west side, from Orchard Drive to Murray Street.

University Drive, from the east city limits to Wigwam Hollow Road.

Walker Street, on the north side, for its entire length.

Walton Avenue, on both sides, for its entire length.

Ward Street, on both sides, from Adams Street to the south city limits.

Washington Street, on its south side, 100 feet east from the intersection of McArthur and Washington Streets.

Washington Street, on its north side from Lafayette Street to Candy Lane.

Washington Street, on its south side, from the east curb of Lafayette Street 75½ feet east to a point 95½ feet east of the east curb of Lafayette Street.

Washington Street, on its north side, from Lafayette Street to Ward Street, except for 198 feet west of the intersection with McArthur Street.

Westbrook Circle, on its south and east sides, from Linden Lane to Riverview
Drive.

*Western Avenue*, on both sides, for its entire length except on its east side between Carroll Street and Calhoun Street.

*Western Avenue*, on its east side, from Jackson Street to the Burlington Northern railroad tracks.

*Westview Drive*, on both sides, for its entire length.

*Wheeler Street*, on its north side, from Johnson Street to Charles Street.

*Wheeler Street*, on its north side, from Edwards Street to Mechanic Street.

*Wheeler Street*, on its north side, from Scotland Street to Prairie Avenue.

*Wheeler Street*, on the south side of the 200, 300 and 600 blocks of East Wheeler Street.

*Wheeler Street*, on its south side, from Prairie Street to the east city limits.

*Wheeler Street*, on both sides, from White Street to Prairie Avenue.

*White Street*, on its west side, from Jackson Street to the first alley south.

*White Street*, on its east side, from Jackson Street to Murray Street.

*Wigwam Hollow Road*, on its east and west sides, from Jackson Street to 500 feet north of University Drive.

*Woodbury Street*, on its north side, from Randolph Street to Lafayette Street.

(Code 1972, § 15-147; Ord. No. 2439, § 1, 10-15-88; Ord. No. 2464, § 1, 7-1-91; Ord. No. 2498, § 1, 3-2-92; Ord. No. 2515, § 1, 6-1-92; Ord. No. 2534, § 2, 9-8-92; Ord. No. 2535, § 1, 9-8-92; Ord. No. 2538, § 1, 10-5-92; Ord. No. 2555, § 1, 2-1-93; Ord. No. 2560, § 1, 3-15-93; Ord. No. 2580, § 1, 7-6-93; Ord. No. 2581, §§ 1, 2, 7-19-93; Ord. No. 2596, § 1, 11-1-93; Ord. No. 2634, § 1, 9-6-94; Ord. No. 2642, § 1, 10-17-94; Ord. No. 2657, § 1, 1-17-95; Ord. No. 2661, § 1, 3-20-95; Ord. No. 2669, § 1, 5-15-95; Ord. No. 2774, § 2, 9-18-95; Ord. No. 2693, § 1, 2-20-96; Ord. No. 2714, § 1, 1-6-97; Ord. No. 2718, § 1, 3-17-97; Ord. No. 2723, § 1, 5-5-97; Ord. No. 2756, § 1, 3-16-98; Ord. No. 2768, § 1, 8-3-98; Ord. No. 2782, § 2, 3-15-99; Ord. No. 2795, § 1, 12-20-99; Ord. No. 2838, § 1, 9-4-01; Ord. No. 2844, § 1, 10-15-01; Ord. No. 2847, § 1, 11-5-01; Ord. No. 2855, § 1, 1-22-02; Ord. No. 2867, § 1, 5-20-02; Ord. No. 2880, § 1, 8-19-02; Ord. No. 2893, § 1, 11-4-02; Ord. No. 2906, § 1, 2-3-03; Ord. No. 2926, §§ 1, 2, 8-18-03; Ord. No. 2971, § 1, 8-16-04; Ord. No. 2972, § 1, 9-7-04; Ord. No. 2978, § 1, 11-1-04; Ord. No. 05-11, § 3, 4-4-05; Ord. No. 05-26, § 1, 9-6-05; Ord. No. 06-21, § 2, 6-5-06; Ord. No. 08-39, § 2, 8-18-08; Ord. No. 09-24, § 2, 7-20-09; Ord. No. 10-02, § 2, 1-4-10; Ord. No. 10-42, § 2, 10-18-10; Ord. No. 11-06, § 2, 2-7-11; Ord. No. 11-30, § 2, 10-3-11; Ord. No. 12-53, § 2, 9-17-12; Ord. No. 13-21, § 2, 5-20-13; Ord. No. 13-38, § 2, 9-16-13; Ord. No. 14-44, § 2, 11-3-14; Ord. No. 15-05, § 2, 2-17-15; Ord. No. 15-11, § 2, 4-6-15; Ord. No. 15-22, § 2, 7-20-15; Ord. No. 15-27, § 2, 9-8-15; Ord. No. 16-28, § 2, 9-19-16; Ord. No. 17-23, § 2, 9-18-17)

Authority of city to regulate the standing or parking of vehicles, 625 ILCS 5/11-208(a)(1).
Sec. 15-215. Parking prohibited during certain hours on specific streets; limited parking zones.

It shall be unlawful to park any vehicle or to permit any vehicle to stand:

(1) On any of the following streets between the hours of 2:00 a.m. to 6:00 a.m.:

- **Adams Street**, South side from Randolph Street to Lafayette Street.
- **Adams Street**, South side from Johnson Street to Charles Street.
- **Adams Street**, South side from a point 150 feet west of the intersection with Western Avenue to 1409 West Adams Street.
- **Adams Street**, North side from Western Avenue to a point 300 feet west of the intersection with Western Avenue.
- **Bonham Street**, on its west side from Jackson Street to Calhoun Street and on its east side from the intersection with Calhoun Street south a distance of 230 feet.
- **Calhoun Street**, on its south side from Campbell Street to Bonham Street, except those portions that are restricted pursuant to section 15-214 of this Code, or section 15-215(2) herein.
- **Carroll Street**, for its entirety on both sides except for the following: the 300 block of East Carroll, the north side of the street from N. Sherman Avenue to Ward Street, the south side of the street from Ward Street to Normal Street, and the north side of the street from Normal Street to Western Avenue, and the north side of the street from Campbell to Prairie Street.
- **Clay Street**, on its west side, from Carroll Street to Calhoun Street.
- **Dudley Street**, from railroad tracks north to Pierce Street.
- **Jackson Street**, on both sides from Public Square to McArthur Street and on both sides from Public Square to Campbell Street, on Mondays and Fridays.
- **Jefferson Street**, on its south side, from Pearl Street to Monroe Street.
- **Johnson Street**, from Jackson Street to Pierce Street.
- **Lafayette Street**, on both sides from Public Square to Calhoun Street/Route 136 and on both sides from Public Square to Washington Street, on Mondays and Fridays.
- **Linden Lane**, on both sides, from Riverview Drive to University Drive, except that parking shall be allowed on the east side on Sunday mornings between the hours of 10:30 a.m. and 12:30 p.m. only.
- **McArthur Street**, on its west side, from Calhoun Street to Adams Street.
- **Normal Street**, from Jackson Street to Adams Street.
- **Pearl Street**, from Jackson Street to Pierce Street.
Pierce Street, from Lafayette Street to the east city limits.

Public square, Mondays and Fridays.

Randolph Street, from Jackson Street to the north city limits.

Randolph Street, on both sides from Public Square to Washington Street, and on both sides from Public Square to Calhoun Street/Route 136, on Mondays and Fridays.

Ward Street, from Jackson Street to Adams Street.

Washington Street, from McArthur Street to Johnson Street.

Western Avenue, on both sides from Public Square to Calhoun Street.

White Street, on its west side, from Jackson Street to Pierce Street.

Wigwam Hollow Road.

(2) On any of the following streets during the hours and times prohibited in this subsection, or for a time or in a manner other than as provided in this subsection:

Calhoun Street, on its south side, from Normal Street to the west city limits, from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Calhoun Street, on the south side of the 400 block, from the west edge of the driveway going westerly for a distance of 176 feet, one-hour parking from 8:00 a.m. to 5:00 p.m., Monday through Sunday.

Calhoun Street, on its south side, from Clay Street to a point 30 feet east, from 7:00 a.m. to 5:00 p.m., Monday through Friday.

Campbell Street, on the east side of the 100 block of South Campbell Street, commencing five feet south of the alley between Jackson Street and Washington Street, south to Washington Street, for a period in excess of two hours.

Carroll Street, on the south side of the 100 block of East Carroll, the first meter space east of the intersection of Lafayette Street and Carroll Street, for visitors only, to the visitor's center of the Western Illinois Tourism Center, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Carroll Street, on the South side of the 100 block of East Carroll Street, 125 feet east from the intersection of Carroll Street and Lafayette Street between the hours of 9:00 p.m. on Thursday to 3:00 a.m. on Friday, 9:00 p.m. on Friday to 3:00 a.m. on Saturday, 9:00 p.m. on Saturday to 3:00 a.m. on Sunday.

Carroll Street, on its south side, from the intersection with Lafayette Street east a distance of 110 feet, between the hours of 12:00 a.m. and 3:00 a.m.

Carroll Street, on its south side, from the intersection with Lafayette Street west a distance of 100 feet, between the hours of 12:00 a.m. and 3:00 a.m.

Charles Street, on both sides, from Murray Street to Elting Street.

Chase Street, on its south side, measuring from the intersection of the south edge
of Chase Street and the east edge of Clay Street to a point 240 feet east of the intersection.

**Edwards Street,** on its east side, from Jackson Street to the north city limits.

**Elting Street,** from Albert Street to Charles Street, on its north side, for a period in excess of one hour, between the hours of 8:00 a.m. and 5:00 p.m.

**Holden Drive,** on its west side, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

**Holden Terrace,** on its east side, from 264 feet south of the north end of Holden Terrace to Riverview Drive, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

**Jana Road,** on its east and north sides, including the cul-de-sac, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.

**Jefferson Street,** on its south side, from Johnson Street to Albert Street, between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday.

**Kurlene Drive,** on its north side, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.

**Lafayette Street,** on the 200 block of North Lafayette Street, on its east and west sides, in a manner other than with the right wheels parallel to the curb.

**Lafayette Street,** the south half of the 200 block of South Lafayette Street, on its east and west sides, for a period in excess of 30 minutes between the hours of 8:00 a.m. and 9:00 p.m.

**Lamoine Street,** on its west side, between the hours of 9:00 p.m. and 6:00 a.m.

**Madison Street,** on its east side, from Jefferson Street to Piper Street, Monday through Friday, between the hours of 7:30 a.m. and 4:30 p.m.

**McArthur Street,** on its west side, from Jackson Street to Carroll Street, between the hours of 6:00 a.m. and 6:00 p.m.

**Normal Street,** on the east side of the 100, 200 and 300 blocks of North Normal Street, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

**Pearl Street,** on its east side, from Compton Parkway to Lawndale Drive between the hours of 8:00 a.m. to 4:00 p.m., on days when school is in session.

**Pearl Street,** on its west side, from the bridge to Franklin Street, from 8:00 a.m. to 4:00 p.m., on days when school is in session.

**Penny Lane,** on its north and east sides, Monday through Friday, between the hours of 8:00 a.m. and 4:00 p.m.

**Randolph Street,** on both sides, from Washington Street to the first alley south, for a period of time not in excess of 20 minutes, every day except Sundays and federal holidays, between the hours of 7:00 a.m. and 7:00 p.m.

**Stadium Drive,** on its west side, from Orchard Drive north to the end of the drive, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.
Washington Street  on its north side, beginning at a place 33 feet West of Lafayette Street and extending west a distance of 50 feet, for not more than 15 minutes.

Washington Street  on its north side beginning at a place 190 feet West of Lafayette Street and extending west a distance of 45 feet, for not more than 15 minutes.

Washington Street  on its north side, beginning at a place 15 feet West of Lafayette Street and extending west a distance of 18 feet.

Washington Street,  on its south side, a distance of 140 feet east from the intersection with Randolph Street, for a period of time not in excess of 20 minutes, everyday except on Sundays and federal holidays, between the hours of 7:00 a.m. and 7:00 p.m.

Washington Street,  on its south side, a distance of 125 feet west from the intersection with Randolph Street, for a period of time not in excess of twenty minutes, everyday except Sundays and federal holidays, between the hours of 7:00 a.m. and 7:00 p.m.

(3) On any of the following listed streets or parking lots, located in the central business district, at the hours and times stated, for a period in excess of two hours during the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday, except holidays, and except as otherwise posted. The streets and parking lots are as follows:

Carroll Street, from Campbell Street to McArthur Street.

Hardisty Parking Lot, being lots 8, 9 and 10 of block 24, original old town.

Jackson Street, from McArthur Street to Campbell Street.

Lafayette Street, from Calhoun Street to Jefferson Street.

Public square.

Randolph Street, from Calhoun Street to Jefferson Street.

Washington Street, from Campbell Street to Lafayette Street.

Washington Street, on its south side, a distance of 140 feet east from the intersection with Randolph Street, for a period of time not in excess of twenty minutes, everyday except Sundays and federal holidays, between the hours of 7:00 a.m. and 7:00 p.m.

(4) Parking spaces for short-term customer parking use shall be located as designated in this subsection for a fee of $100.00 per space, per year:

Lafayette N. 210 N. Lafayette West Side, 3 spaces (Cadys Smoke House)

Square, N. 128 North Side Square, 2 spaces immediately west of Randolph Street (MidAmerica Bank)

Square, W. 14 West Side Square, 2 spaces (Camera Land)


(Code 1972, § 15-148; Ord. No. 2413, § 1, 4-2-90; Ord. No. 2472, § 1, 9-3-91; Ord.
Sec. 15-216. Handicapped parking.

(a) Parking privileges.

(1) Any motor vehicle(s) bearing registration plates issued to a handicapped person or a disabled veteran or bearing other special plates or insignia authorized by state or local law may park, in addition to any other lawful place, in any parking space specifically reserved by the posting of an official sign for vehicles designated as handicapped parking. Parking privileges granted in this section are strictly limited to and for the benefit of the person for whom the special license or decal was issued.

(2) The term “handicapped person” as used in this section shall have the meaning provided by section 1-159.1 of the Illinois Vehicle Code.

(b) Designated handicapped parking. The following parking spaces are designated for handicapped parking:

**Courthouse Square (inner square)**, east inner square the second, third, fifth and sixth parking spaces on west side.

**E. Carroll Street**, north side, first parking space immediately west of North Randolph adjoining Chandler Park.

**E. Carroll Street**, north side, first parking space immediately east of North Randolph Street adjoining the Lamoine Hotel.

**N. Lafayette Street**, first two parking spaces on the west side, south of Route 136.

**N. Lafayette Street**, first parking space on east side north of West Side Square.

**S. Lafayette Street**, first parking space on west side south of West Side Square.

**S. Lafayette Street**, east side, starting 36 feet south of the south curb on Washington Street and ending 58 feet south of the south curb on Washington Street.

**Public Square**, north side, located in front of 118 N. Side Square.
**Public Square,** south side, located in front of 117 S. Side Square.

**S. Randolph Street,** first parking space on west side south of East Side Square.

**North Side Square,** parking space located in front of 116 Northside Square.

**North Side Square,** first parking space on north side west of N. Randolph Street.

**South Side Square,** parking space located in front of 117 Southside Square.

**South Side Square,** first parking space on south side east of S. Lafayette Street.

**West Side Square,** first parking space on west side south of N. Lafayette Street.

**West Side Square,** first parking space on west side south of W. Jackson Street.

**East Side Square,** first parking space on east side north of E. Jackson Street.

**East Side Square,** first parking space on east side north of S. Randolph Street.

**W. Adams Street,** south side, located 135 feet west of its intersection with McArthur Street.

**W. Adams Street,** north side, located opposite 627 W. Adams Street, two spaces.

**W. Carroll Street,** north side, first parking space immediately west of the intersection with North Lafayette Street.

**W. Washington Street,** north side, first space immediately west of its intersection with Lafayette Street.

(c) **Penalties.** Any person accused of violating this section or parking in an area designated for the handicapped and not qualifying therefore shall be subjected to a fine not less than $250.00 for each such occurrence. Payment of the fine shall be in compliance with the applicable provisions of article VIII of this chapter.

(Code 1972, § 15-149; Ord. No. 2607, § 1, 2-22-94; Ord. No. 2708, §§ 2, 3, 10-21-97; Ord. No. 2776, § 1, 11-16-98; Ord. No. 2784, § 1, 4-19-99; Ord. No. 2786, § 1, 5-17-99; Ord. No. 2808, § 2, 9-5-00; Ord. No. 2905, § 1, 2-3-03; Ord. No. 14-05, § 2, 2-3-14; Ord. No. 17-14, § 4, 6-19-17; Ord. No. 17-23, § 2, 9-18-17)

**Sec. 15-217. Use of loading zones.**

(a) It shall be unlawful for the driver of a vehicle loading or unloading passengers to remain in a passenger loading zone, as designated pursuant to this section, for a period of more than five minutes.

(b) It shall be unlawful for a motor vehicle to remain in a loading zone for the purpose of loading and unloading merchandise at a business loading zone, except for the period of time it takes for the actual loading and unloading of the merchandise.

(c) Loading zones shall be designated by the city council from time to time and identified by signs posted by the city at the loading zones.
Loading zones are designated as follows:

<table>
<thead>
<tr>
<th>Street</th>
<th>Location Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Randolph, S.</td>
<td>223 S. Randolph (WIRC Office)</td>
</tr>
<tr>
<td>Piper, W.</td>
<td>424 W. Piper Street (Wilson School)</td>
</tr>
<tr>
<td>Johnson, N.</td>
<td>506 N. Johnson (Special resident need)</td>
</tr>
<tr>
<td>Jefferson, W.</td>
<td>320 W. Jefferson—60&quot; (Johnson Corner School)</td>
</tr>
<tr>
<td>Dudley, N.</td>
<td>North Dudley, east side, north of Calhau to alley (Presbyterian Church)</td>
</tr>
<tr>
<td>Washington, W.</td>
<td>300 block West Washington, north side, starting at a point 130 feet west of the intersection of Washington and Johnson and thence west to a point 20 feet east of Albert, 10 minutes only. (St. Paul)</td>
</tr>
<tr>
<td>Holden Terrace</td>
<td>Holden Terrace, north end, east side (Horrabin Hall)</td>
</tr>
<tr>
<td>Western Avenue</td>
<td>Western Avenue, west side, 140 feet beginning 190 feet from intersection with University Drive (Horrabin Hall)</td>
</tr>
<tr>
<td>Lafayette, S.</td>
<td>South Lafayette, 65 feet on east side beginning 70 feet north of Jefferson (Library)</td>
</tr>
<tr>
<td>Grant, W.</td>
<td>West Grant, south side in vicinity of McArthur School (buses only)</td>
</tr>
<tr>
<td>Jefferson, E.</td>
<td>East Jefferson, south side in vicinity of 303 E. Jefferson (Mental Health Center)</td>
</tr>
<tr>
<td>Johnson, S.</td>
<td>South Johnson, west side, 30 feet middle of block, 200 S. Johnson (Spoon River College)</td>
</tr>
<tr>
<td>Washington, E.</td>
<td>East Washington, south side, 50 feet beginning 50 feet east of Lafayette (Automotive Wholesale)</td>
</tr>
<tr>
<td>Washington E.</td>
<td>East Washington, north side, Lafayette to Randolph (rear of S. Side Square businesses)</td>
</tr>
<tr>
<td>Lafayette, S.</td>
<td>210 South Lafayette, (Regional School Dist. Office)</td>
</tr>
<tr>
<td>Campbell, S.</td>
<td>123 S. Campbell, Sunday 7:00 a.m. to 12:00 p.m. (Trinity Lutheran Church)</td>
</tr>
</tbody>
</table>
Sec. 15-218. Parking time limits generally.

It shall be unlawful for any person to park any truck or freight-carrying vehicle having an overall length of 24 feet on any street, avenue or alley for a longer period of time than three hours. It shall be unlawful for any person to park any motor vehicle on any street, avenue or alley for a longer period of time than 24 consecutive hours.

(Code 1972, § 15-150; Ord. No. 2708, § 1, 10-21-96; Ord. No. 2724, § 1, 6-2-97; Ord. No. 2735, § 2, 7-21-97; Ord. No. 2748, § 2, 10-20-97; Ord. No. 2749, § 1, 11-3-97; Ord. No. 2771, § 1, 10-5-98; Ord. No. 2879, § 1, 8-5-02; Ord. No. 2926, § 3, 8-18-03)

Sec. 15-219. City parking lots generally.

(a) Supervision. The municipal parking lots now or hereafter acquired or established by the city shall be under the supervision of the chief of police.

(b) Use. It shall be unlawful to park any vehicle in any municipal parking lot in violation of any ordinance or contrary to any signs posted on the parking lot. It shall be unlawful for any person to park any motor vehicle or trailer of a length in excess of 25 feet or a load capacity weight in excess of three-fourths ton in any city parking lot. All motor vehicles parked on any city parking lot shall be parked within the designated white lines, with the front of the vehicles facing the curb or sidewalk.

(c) Parking time limit. It shall be unlawful to park any motor vehicle in a city parking lot for a period in excess of 24 hours.

(d) Reserved parking spaces. It shall be unlawful to park any motor vehicle in a space in any city parking lot when the parking space has been marked as specifically reserved. All reserved parking spaces shall be designated as tow-away zones, and any motor vehicle parked within such spaces in violation of this section shall be liable to immediate impoundment by the city. The city council shall from time to time designate which parking spaces shall be reserved.

(e) Establishment. The following city parking lots acquired for the parking of vehicles are hereby established:
Sec. 15-219.1. Parking in Macomb Junior/Senior High School lots.

(a) Supervision. The parking lot at Macomb High School shall be under the supervision of the chief of police or his designee, including the principal and assistant principal of the high school, pursuant to the city's and school's agreement to regulate parking.

(b) Use. From 6:30 a.m. through 5:30 p.m. on school days, a student who drives to school may park his or her car in any non-reserved space in either the east or west parking lot, provided that the car has been registered with the school and properly displays a hang tag.

(c) Reserved parking spaces. It shall be unlawful for any Macomb High School student to park his or her car in the front row of the east and west parking lots (the spaces closest to the building), or in any other designated area that is reserved for the use of school faculty and staff.

(d) Penalty. Violations of this section may result in the issuance of warning and parking tickets, in the manner specified in the school's student handbook, and may subject the student's car to removal from the school premises at the owner's expense.

(Ord. No. 2952, § 2, 2-17-04)

Sec. 15-220. Parking lots at city building.

(a) City Hall Parking Lot No. 1. (Southeast, southwest, north.) The following described tract of land is hereby established as a parking lot to be known as City Hall Parking Lot No. 1: Lot 9 of Block 17 (southwest Lot 1) and Lot 12 of Block 17 (southeast Lot 1) and the south 70 feet of Lots 1, 2, 3 of Block 17 (north Lot 1), original town.
(1) The parking lot located at the west driveway from East Jackson Street in the 54 feet (in Lot 9) on the east side of said driveway is exclusively reserved for designated city vehicles operated by city employees, and is designated the southwest Lot 1.

(2) The parking lot located on the east side of the City Hall building in the area extending 126 feet north from the intersection of East Jackson Street and North Campbell Street in Lot 12, is restricted for the use of the general public conducting business at the City Hall for a period not to exceed two hours from the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and is designated as the southeast Lot 1.

(3) The parking lot located on the north side of the City Hall building in the area extending from the north line of the property south for 70 feet along North Campbell Street and 153 feet south is exclusively reserved for city officials and employees from 7:00 a.m. to 5:00 p.m. Monday through Friday, and is designated as the north Lot 1.

(4) The southeast and north lots are available for parking by the general public except as noted above.

(Code 1972, § 15-154; Ord. No. 2819, § 1, 2-5-01)

Sec. 15-221. Use of taxicab and bus stands.

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a cabstand; and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.

(Code 1972, § 15-155)

Taxicabs, § 22-21 et seq.

Sec. 15-222. Go West bus stops established.

(a) Designation of bus stops and placement of signs. The City of Macomb has designated the locations at which the Go West buses will stop for passengers. The designated stops will be those on the attached list [to Ordinance No. 10-21], which is incorporated herein, and will be identified by signs posted by the city at the designated stops. [A list of designated stops can be found in the city clerk's office.]

(b) Review of list of bus stops. The list of bus stops will be reviewed by the city from time to time and changed when necessary.
Sec. 15-223. Parking on private property.

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

(Code 1972, § 15-157)

Sec. 15-224. Parking in alleys.

(a) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

(b) It shall be unlawful to park a vehicle or permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device:

Between North Lafayette Street and North Randolph Street, all that part of the public alley lying north of East Murray Street.

(Code 1972, § 15-158; Ord. No. 2760, § 1, 5-4-98)

Sec. 15-225. Parking for purpose of sale of vehicle or peddling.

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled.

(Code 1972, § 15-159)

Peddlers, § 14-31 et seq.; obstructing traffic, § 15-54.

Sec. 15-226. Parking unhitched trailers.

It shall be unlawful for any person to stand or park on any of the streets, avenues or alleys of the city for a longer period of time than four hours any trailer which does not have attached thereto a tractor or motor vehicle designed to pull it.

(Code 1972, § 15-160)

Sec. 15-227. Parking livestock trucks, garbage trucks, etc.

It shall be unlawful for any person to stand or park on any street, avenue or alley for a longer period of time than one hour any truck or vehicle containing livestock or poultry or containing any manure, garbage, refuse or other matter which endangers the public health or results in annoyances or discomfort to the public. Any truck or vehicle parked or standing in violation of this section is hereby declared to be a nuisance, and the county health
department or any member of the police department is authorized to abate the nuisance.

(Code 1972, § 15-161; Ord. No. 2603, § 45, 1-3-94)

Sec. 15-228. Unattended motor vehicles.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the ignition key, effectively setting the brake and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway.

(Code 1972, § 15-162)

Similar provisions, 625 ILCS 5/11-1401.

Sec. 15-229. Reserved.

Editor’s note—


Parking citations and fines, § 15-351 et seq.

Sec. 15-230. Unattended animals.

It shall be unlawful to leave any horse or other draft animal unattended in any street without having such animal securely fastened.

(Code 1972, § 15-164)

Animals, ch. 4.

Sec. 15-231. Manner of parking.

(a) No vehicle shall be parked with the left side of such vehicle next to the curb or edge of the roadway, except on one-way streets, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curbway, and with the two right wheels of the vehicle within 12 inches of the regularly established curbline or edge of the roadway, except that upon the public square and those streets that have been marked for angle parking vehicles shall be parked at the angle to the curb indicated by such marks.

(b) On one-way streets where parking is permitted on the left side of the street, vehicles shall be parked parallel with the curb or edge of the roadway with the two left wheels of the vehicle within 12 inches of the regularly established curbline or edge of the roadway.

(Code 1972, § 15-165)

Sec. 15-232. Starting parked vehicles.

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

(Code 1972, § 15-166)


Any vehicle of the United States Postal Service on official post office business may park in the no parking zones enumerated in this article for a period not to exceed 30 minutes, provided that such parking shall not obstruct traffic in any street or alley or reduce traffic on any arterial street to one-way traffic or obstruct any fire suppression device or equipment or be contrary to the direction of an authorized law enforcement official.

(Code 1972, § 15-168; Ord. No. 2709, § 2, 11-4-96)

Sec. 15-234. Snow routes on arterial streets.

(a) Designation; prohibited parking. It shall be unlawful for any person to park or allow to remain a motor vehicle or any other vehicle on any of the following described streets in the city when there is an accumulation of three or more inches of snow or when a snow emergency is declared by the mayor, or by his designee, until the streets have been cleared of snow and the snow emergency, if called, has been declared ended:

- Adams Street, from Randolph Street to the west city limits.
- Bower Road, from University Drive to Jackson Street.
- Calhoun Street, from Campbell Street to Bonham Street.
- Candy Lane, its entire length.
- Carroll Street, from Lafayette Street to Western Avenue and from Randolph Street to Prairie Avenue.
- Deere Road, its entire length.
- Dudley Street, its entire length.
- Grant Street, its entire length.
- Harmony Lane, its entire length.
- Jefferson Street, its entire length.
- Johnson Street, its entire length.
- Lafayette Street, from Washington Street to Grant Street.
- Maple Avenue, its entire length.
Murray Street, from Johnson Street to Western Avenue.

McArthur Street, from Washington Street to Grant Avenue.

Pearl Street, its entire length.

Pierce Street, from Johnson Street to State Street.

Piper Street, from Candy Lane to Pearl Street.

Prairie Avenue, its entire length.

Randolph Street, from Washington Street to Grant Street and from Calhoun Street to Glenwood Park.

Tower Road, from Wigwam Hollow Road to Lafayette Street.

University Drive, from Wigwam Hollow Road to Western Avenue, from Western Avenue to Lafayette Street and from Lafayette Street to Bower Road.

Walton Way, from East Jackson Street to E. Wheeler Street.

Ward Street, its entire length.

Washington Street, from Lafayette Street to Ward Street and from Campbell Street to White Street.

Western Avenue, from Adams Street to University Drive.

Wheeler Street, from Prairie Avenue to the east city limits.

White Street, its entire length.

Wigwam Hollow Road, its entire length.

(b) Operation of section.

(1) This section shall be called in operation by the mayor, or his designee by declaring a snow emergency. The mayor shall announce to all local news media that the section is in effect, and he shall also notify the police department. The persons shall be given two hours within which to comply with this section.

or

(2) A snowfall of three or more inches shall automatically constitute a snow emergency and activate this section. Notice of snow emergency regulations shall be published in a newspaper of general circulation one time per year by November 15.

(c) Impoundment of vehicles.

(1) An unattended vehicle stopped, standing or parked or occupying any portion of any street in violation of this section is hereby declared to be a nuisance, which may be abated by any police officer by impounding such vehicle to be removed and conveying such vehicle or by causing such vehicle to be removed and
conveyed to a vehicle pound. A vehicle may be removed to the nearest street not covered by the snow emergency or may be removed to the vehicle pound, upon the discretion of the officer. A vehicle pound is hereby declared to be any suitable place designated by the police department of the city as a vehicle pound. The owner or operator of such vehicle may have the vehicle removed from the impoundment by paying the costs and expenses of the towage and impounding of such vehicle, together with all fines and penalties.

(2) In all cases of violations referred to in this section, the right to impound shall be in addition to any other remedy provided by law, and the registered owner of the vehicle at the time of the violation shall be presumed to be the violator, as well as the vehicle itself, and the actual operator thereof. Whenever any vehicle, while being used without the consent of the owner, shall be stopped, standing or parked in violation of any of the provisions of this section, such owner shall not be subject to the penalty for such violations.

(d) **Penalty.** Any owner or operator violating this section shall be fined $50.00 plus the cost of impoundment to be paid to the city within 30 days of issuance of the notice. If the owner or operator fails to pay the fine within 30 days of issuance of the notice, but pays before an action is filed in the circuit court, he or she may avoid prosecution for the offense, as well as additional court costs, only by paying $100.00 plus the cost of impoundment.

(Code 1972, § 15-169; Ord. No. 2774, § 1, 11-2-98; Ord. No. 07-33, § 2, 8-21-07; Ord. No. 13-11, § 2, 3-11-13; Ord. No. 16-29, § 2, 9-19-16)

**Sec. 15-235. Prohibited off-street parking of certain vehicles.**

(a) **Prohibited off-street parking.** It is unlawful to park or store any semi-trailer, shipping contained, bus, recreational vehicle or other container with any dimension of greater than eight feet in length within any yard or parking area in any residential or business districts for longer than is necessary to load or unload cargo and in no event, longer than 72 hours, except as provided in subsections 15-235(b), (c), (d), (e), (f), and (g) as listed below. Semi-trailer, shipping or storage containers may be used for long-term storage in M-1 and M-2 areas if appropriately screened from any adjacent residentially zoned properties. Temporary storage units may be kept in B-2 districts for a period of not more than 90 days.

(b) **Operational recreation vehicles.** Currently licensed recreational vehicles and/or buses in good operating order must be parked on paved surfaces or pre-existing rocked areas which must be located outside of front yard set back areas, excepting driveways, in residential zoning districts.

(c) **Moving containers exempt.** The use of special commercial moving containers (POD, etc.) and/or rental moving trucks or trailers, and/or trucks used by licensed movers are exempt from this provision for a period of up to seven calendar days.
(d) **Refuse containers exempt.** Containers provided by private refuse haulers for regularly scheduled pickup service and used only for the disposal of refuse are exempt from the provisions of this section.

(e) **Construction and temporary refuse containers exempt.** Containers covered in this section shall be exempt if used to store or secure construction materials, equipment or tools, or if they are used to discard refuse of any kind, in the matter of a construction project only if a valid building permit has been issued and then only for the duration of the construction project, and in the matter of refuse removal only for the duration of the planned refuse removal, but in no event longer than 90 days. This period may be extended upon review by the City of Macomb Community Development office.

(f) **Special use trailers.** Trailers used regularly or occasionally to store or transport items used to make a living, for recreational purposes or serving civic, school, youth or church groups must be parked on paved surfaces or pre-existing rocked areas which must be located outside of front yard setbacks areas, excepting driveways, in residential zoning districts.

(g) **Other exceptions.** No other exceptions to this section shall be granted unless done so by majority vote of the Macomb City Council.

(h) **Violations and penalties.** The owner of any vehicle in violation of this chapter and the owner of any property on which the violation is located shall both be subject to a $100.00 fine for each day a violation occurs.

(i) **Severability.** If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

(j) **All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.**

(Ord. No. 07-25, § 2, 7-3-07; Ord. No. 12-59, § 2, 11-5-12)

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Secs. 15-236—15-250. Reserved.

**DIVISION 2. PARKING METERS**

Sec. 15-251. Definitions.

Sec. 15-252. Parking meter zones enumerated.

Sec. 15-253. Placement of meters.

Sec. 15-254. Overtime parking.

Sec. 15-255. Spaces to be marked; parking within markings.

Sec. 15-256. Placing coins in meters.

Sec. 15-257. Tampering with meters.
Sec. 15-251. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parking meter means a mechanical device located upon a public street or sidewalk in a place designated by the city council as a parking meter zone, which device shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person depositing a coin therein.

Parking meter zone means an area designated by the city council where a vehicle may be temporarily parked and allowed to remain for the period of time indicated on the meter.

(Code 1972, § 15-173)

Sec. 15-252. Parking meter zones enumerated.

The following described streets and parts thereof are hereby designated as parking meter zones:

Carroll Street, on both sides, between Lafayette Street and Randolph Street.
Carroll Street, on its south side, from Randolph Street to Campbell Street.
Hardisty Parking Lot. Lots 8, 9 and 10 of block 24, original town.
Jackson Street, on both sides, between Campbell Street and McArthur Street.
Lafayette Street, on both sides, between Washington Street and Calhoun Street.
Lafayette Street, on its east side, between Jefferson Street and Washington Street.
Lafayette Street, north thereof.
Lafayette Street, on its west side, between Jefferson Street and the first alley north thereof.
North Randolph Street, on the east side, between Carroll Street and Calhoun Street.
Public square. The entire public square, including that portion adjacent to the courthouse yard.
Randolph Street, on the west side, between Carroll Street and Calhoun Street.
Randolph Street, on both sides, between Washington Street and Carroll Street.
Washington Street, on its south side, between Campbell Street and McArthur Street.
Sec. 15-253. Placement of meters.

Parking meters shall be installed in the parking meter zones and shall be placed upon the curb immediately adjacent to the individual parking spaces described in this division. Each parking meter shall be placed or set in such a manner as to show or display by a signal whether or not the parking space adjacent to such meter is legally in use.

(Code 1972, § 15-175)

Sec. 15-254. Overtime parking.

(a) It shall be unlawful for any person to park a vehicle or to permit a vehicle to remain parked in any parking meter zone between the hours of 9:00 a.m. and 5:00 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays and between the hours of 9:00 a.m. and 9:00 p.m. on Fridays, except holidays, for a period longer than that designated on the parking meter, or to park a vehicle in any such zone between those hours without paying the required fee or to permit a vehicle to remain parked in any such zone between those hours for a period longer than the period for which the fee was paid.

(b) The term "holiday," as used in this section, shall mean the days set aside and observed in this state as New Year's Day, Lincoln's Birthday, Decoration or Memorial Day, the Fourth of July, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

(Code 1972, § 15-176)

Sec. 15-255. Spaces to be marked; parking within markings.

The chief of police shall have marking painted or placed upon the curb or street adjacent to each parking meter for the purpose of designating the parking space and the angle at which vehicles are parked to the curb. Each vehicle parking within any parking meter zone shall park within the line or markings so established. It shall be unlawful to park any vehicle across any such line or marking or to park any vehicle in such position that the vehicle shall not be entirely within the area designated by such line or markings.

(Code 1972, § 15-177)

Sec. 15-256. Placing coins in meters.

(a) Any person desiring to park any vehicle within a parking meter space shall deposit the proper coins for the time desired as follows: $0.05 shall be deposited for each 30 minutes of time desired, and $0.10 shall be deposited for each hour of time desired.

(b) Individuals possessing a valid handicapped parking
decal as provided for in section 15-216 are exempt from the requirements of this section.

(Code 1972, § 15-178)

Sec. 15-257. Tampering with meters.

It shall be unlawful for any person not authorized by the city council to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this division.

(Code 1972, § 15-179)

Sec. 15-258. Use of slugs prohibited.

It shall be unlawful to deposit any slug, device or metallic or other substance for a coin in any parking meter.

(Code 1972, § 15-180)

Secs. 15-259—15-270. Reserved.

ARTICLE V. VEHICLE EQUIPMENT AND CONDITION

Sec. 15-271. Driving unsafe or improperly equipped vehicle.

Sec. 15-272. Obstructions to vision.

Sec. 15-273. Lights generally.

Sec. 15-274. Oscillating, rotating or flashing lights.

Sec. 15-275. Signal lamps and signal devices.

Sec. 15-276. Unnecessary noise.


Sec. 15-278. Mufflers; prevention of noise.

Sec. 15-279. Horns and warning devices.

Sec. 15-280. Maximum width, length, height and load of vehicles.

Sec. 15-281. Vehicle weight.

Sec. 15-282. Brakes.

Sec. 15-283. Tires.

Sec. 15-284. Nonskid devices.


Sec. 15-286. Required equipment on motorcycles.
Sec. 15-271. Driving unsafe or improperly equipped vehicle.

It is unlawful for any person to drive or move or for the owner of any vehicle to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article or which is equipped in any manner in violation of this article.

(Code 1972, § 15-191)

Sec. 15-272. Obstructions to vision.

It shall be unlawful to operate any vehicle which is so loaded or in such a condition that the operator does not have a clear vision of all parts of the roadway essential to the safe operation of the vehicle. Any vehicle with the view of the roadway to the rear so obstructed shall be equipped with a mirror so attached as to give the driver a view of the roadway behind him.

(Code 1972, § 15-192)

Sec. 15-273. Lights generally.

It shall be unlawful to operate or park on any street any vehicle not equipped with adequate lights conforming to the requirements of the state law, provided that vehicles may be parked at nighttime without lights on any street or portion thereof designated by ordinance as a place where vehicles may so park at nighttime.

(Code 1972, § 15-193)


Sec. 15-274. Oscillating, rotating or flashing lights.

Except as otherwise provided in this chapter:

(1) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

a. Law enforcement vehicles of state, federal or local authorities.
b. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle.

c. Vehicles of local fire departments and state or federal firefighting vehicles.

d. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured.

(2) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

a. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except when such vehicles are actually being used for such purposes.

b. Motor vehicles or equipment of the state, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects.

c. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway.

d. Vehicles of public utilities or municipalities, or other construction, maintenance or automotive service vehicles, except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway.

e. An oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the department under Section 15-301 of the Illinois Vehicle Code.

f. The front and rear of motorized equipment owned and operated by the state or any political subdivision thereof, which is designed and used for removal of snow and ice from highways.

g. Fleet safety vehicles registered in another state; furthermore, such lights shall not be lighted except as provided for in Section 12-212 of the Illinois Vehicle Code.

h. Such other vehicles as may be authorized by local authorities.
i. Law enforcement vehicles of state or local authorities when used in combination with red oscillating, rotating or flashing lights.

j. Vehicles used for collecting or delivering mail for the United States Postal Service, provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes.

k. Any vehicle displaying a slow-moving vehicle emblem.

l. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes.

(3) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

a. Vehicles owned or lawfully operated by a voluntary firefighter, paid firefighter, part-paid firefighter, call firefighter, member of the board of trustees of a fire protection district, paid or unpaid member of a rescue squad, or paid or unpaid member of a voluntary ambulance unit; or on rescue squad vehicles not owned by a fire department. However, such lights are not to be lighted except when responding to a bona fide emergency.

b. Police department vehicles in cities having a population of 500,000 or more inhabitants.

c. Law enforcement vehicles of state or local authorities when used in combination with red oscillating, rotating or flashing lights.

d. Vehicles of local fire departments and state or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

e. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

(4) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited, except that motor vehicles or equipment of the state, local authorities and contractors may be so equipped; furthermore, such lights shall not be lighted except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects.

(5) All oscillating, rotating or flashing lights referred to in
this section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(6) Nothing in this section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative from temporarily mounting such lights on a vehicle for demonstration purposes only.

(7) Any person violating the provisions of subsections (1), (2), (3) or (4) of this section who without lawful authority stops or detains or attempts to stop or detain another person shall be fined not less than $250.00 nor more than $500.00.

(8) Except as provided in subsection (7) of this section, any person violating the provisions of subsections (1) or (3) of this section shall be fined not less than $100.00 nor more than $500.00.

(Code 1972, § 15-194; Ord. No. 2603, § 46, 1-3-94)

Sec. 15-275. Signal lamps and signal devices.

(a) Every vehicle other than an antique vehicle displaying an antique plate operated in this city shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light visible from a distance of not less than 500 feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times such antique vehicle must be equipped with stop lamps meeting the requirements of this section.

(b) Every motor vehicle other than an antique vehicle displaying an antique plate shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

(c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.
(d) Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

(e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.

(Code 1972, § 15-195)


Sec. 15-276. Unnecessary noise.

It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise.

It shall be unlawful to operate any engine braking system on any of the streets within the City’s jurisdiction, except in the case of emergency.

(Code 1972, § 15-196; Ord. No. 05-10, § 2, 4-4-05)


It shall be unlawful to operate any vehicle which emits dense smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles.

(Code 1972, § 15-197)

Sec. 15-278. Mufflers; prevention of noise.

Every motor vehicle driven or operated upon the highways of this city shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this section.

(Code 1972, § 15-198)


Sec. 15-279. Horns and warning devices.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall, when reasonably
necessary to ensure safe operation, give audible warning with his horn, but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this subsection. Any authorized emergency vehicle may be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but such siren, whistle or bell shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law in which event the driver of such vehicle shall sound the siren, whistle or bell when necessary to warn pedestrians and other drivers of the approach thereof.

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

(Code 1972, § 15-199)


Sec. 15-280. Maximum width, length, height and load of vehicles.

(a) The maximum width, length and height of any vehicle and its load shall not exceed the limits expressed in the state traffic law.

(b) No passenger type vehicle shall be operated on the streets with a load extending beyond the line of the fenders on the left side of the vehicle or extending more than six inches beyond the line of the fenders on the right side thereof.

(c) No combination of vehicles coupled together shall consist of more than two units, but such limitation shall not apply to vehicles operated in daytime when transporting pipes, poles, machinery and other objects which cannot be readily dismembered, or to such vehicles operated at nighttime by a public utility when engaged in emergency repair work; but such loads carried at night shall be clearly marked with sufficient lights to show the full dimensions of the load.

(d) No part of the load of a vehicle shall extend more than three feet in front of the extreme front portion of the vehicle.

(Code 1972, § 15-200)


Sec. 15-281. Vehicle weight.

It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of that permitted by the state traffic law for driving on improved highways, or with weight distributed in a manner not conforming to such law, or in violation of special weight limits provided for by ordinance and signs posted.
Sec. 15-282. Brakes.

It shall be unlawful to drive any motor vehicle upon a street unless such vehicle is equipped with good and sufficient brakes in good working condition as required by the state traffic law, or to operate any vehicle which is so loaded that the operator does not have ready access to the mechanisms operating the brakes of such vehicles.

Sec. 15-283. Tires.

It shall be unlawful to operate on any improved street a motor vehicle equipped with tires contrary to the provisions of section 12-401 of the state vehicle code. It shall be unlawful to operate on any street which has been oil treated a motor vehicle equipped with tires contrary to the provisions of section 12-401 of the state vehicle code.

Sec. 15-284. Nonskid devices.

It shall be unlawful to operate upon any street any motor vehicle equipped with any nonskid device so constructed that any rigid or nonflexible portion thereof comes into contact with the pavement or roadway.


No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the city.

Sec. 15-286. Required equipment on motorcycles.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.
Sec. 15-287. Special equipment for persons riding motorcycles, motor-driven cycles or motorized pedalcycles.

The operator of a motorcycle, motor-driven cycle or motorized pedalcycle and every passenger thereon shall be protected by glasses, goggles or a transparent shield. The department shall determine the standards for this equipment. These standards shall establish requirements based upon those set forth in Vehicle Equipment Safety Commission Regulation VESC-8, "Minimum Requirements for Motorcyclists' Eye Protection."

(Code 1972, § 15-207)


Sec. 15-288. Equipment on bicycles.

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

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

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

(d) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of 500 feet and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this subsection may be met by reflective materials, which shall be at least 3/16 inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rim of such bicycle, and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the department.

(e) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

(Code 1972, § 15-208)

Sec. 15-289. Bicycle routes.

The following streets and portions of streets are hereby designated as bicycle routes in the city:

Carroll Street, on its south side, from Ward Street to Home Street.
Lafayette Street, on its west and east side from Carroll Street to Jackson Street.
McArthur Street, on its west and east side, from Carroll Street to Washington Street.
Pearl Street, on its west side, from Carroll Street to Washington Street.
Prairie Avenue, on its east side, from Carroll Street to Washington Street.
Randolph Street, on its west and east side, from Washington Street to Jackson Street.
Ward Street, on its east side, from Washington Street to Carroll Street.
Washington Street, on its north side, from Prairie Avenue to Ward Street.

(Code 1972, § 15-209; Ord. No. 09-20, § 2, 7-6-09)

Secs. 15-290—15-300. Reserved.

ARTICLE VI. ABANDONED, INOPERABLE AND JUNKED MOTOR VEHICLES [4][65]

Sec. 15-301. Definitions.
Sec. 15-302. Declaration of nuisance.
Sec. 15-303. Prohibited storage.
Sec. 15-304. Permitted storage.
Sec. 15-305. Investigation of premises.
Sec. 15-306. Notice of removal.
Sec. 15-307. Hearing procedures.
Sec. 15-308. Removal and impoundment.

Sec. 15-301. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings set forth in this section:

*Abandoned motor vehicle* means any motor vehicle which is left on public or private property, in full view of the public, anywhere within the city except on the property of
the owner or bailee for a period of 30 days or more and under such circumstances as to cause such motor vehicle to reasonably appear to be abandoned.

Authorised city official means the code enforcement officer, zoning enforcement officer, any police officer of the city or any other person designated by the mayor.

Inoperable motor vehicle means any unlicensed motor vehicle in a residentially zoned district or any motor vehicle in any zoning district from which, for a period of at least seven days, the engine, wheels, or other parts have been removed, altered, damaged, or otherwise so treated that the vehicle is inoperable or incapable of being driven under its own motor power or which is not in compliance with the mandatory vehicle equipment provisions of the Illinois Vehicle Code. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power, for a period of 30 days or less (or for a longer period as determined by the city police chief or his designee due to extenuating circumstances), in order to perform ordinary service or repairs. It also shall not include a motor vehicle which is kept entirely within a building and out of view of the public or a motor vehicle which is on the premises of a properly licensed and zoned place of business for the sale, repair, or salvage of motor vehicles.

Junked motor vehicle means any motor vehicle which is partially dismantled, wrecked or damaged and which cannot be safely or legally operated.

Motor vehicle means any self-propelled land vehicle which can be used for towing or for transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off-the-road vehicles.

Motor vehicle accessories means any part or parts of a motor vehicle.

Private property means any real property not owned by the federal government, state, county, city, school district or other unit of local government.

Property means any real property within the city which is not a street.

Public property means any real property owned by the federal government, state, county, city, school district or other unit of local government.

Removal means the physical relocation of a motor vehicle to an authorized location.

Street means the entire width as dedicated for public use of every street, alley or other public way which is open to the use of the public for the purpose of vehicular travel.

(Ord. No. 2569, § 3, 5-3-93; Ord. No. 2928, § 2, 10-6-03)

Sec. 15-302. Declaration of nuisance.

All abandoned, inoperable and junked motor vehicles and any motor vehicle accessories from any vehicle, whether on public or private property and in full view of the public, are hereby declared to be a nuisance.

(Ord. No. 2569, § 4, 5-3-93)
Sec. 15-303. Prohibited storage.

It shall be unlawful for any person owning or having custody or control of any abandoned, inoperable or junked motor vehicle or any motor vehicle accessories to store or permit any such vehicle or accessories to remain on any public or private property within the city, in full view of the public, for longer than the period of time allowed by this article and after receipt of notice to remove such vehicle or accessories as provided by this article.

It shall be unlawful for any person, after notification to remove any abandoned, inoperable or junked motor vehicle or any motor vehicle accessories from any property within the city to move such motor vehicle or accessories to any other public or private property upon which such storage is not permitted or onto any street or public property for purposes of storage.

(Ord. No. 2569, § 5, 5-3-93)

Sec. 15-304. Permitted storage.

This article shall not apply to any motor vehicle or motor vehicle accessories which are stored entirely within an enclosed building and out of view of the public, or on the premises of a properly licensed auto junking or wrecking business or auto repair or body shop operated in a lawful place and manner and when necessary for the operation of such business provided that all vehicles or accessories stored by any such business establishment must be stored in accordance with the requirements of this code and applicable law.

(Ord. No. 2569, § 6, 5-3-93)

Sec. 15-305. Investigation of premises.

(a) Any authorized city official, on routine inspection or upon receipt of a complaint, may enter upon any property and may investigate any suspected abandoned, inoperable or junked motor vehicle or any motor vehicle accessories and record the make, model, style, identification numbers or any other relevant information and other facts about the situation.

(b) In any case when an inspection requires an authorized city official to enter upon private property, such inspection shall only be conducted with the consent of property owner or occupant or their agent or after obtaining an appropriate court order authorizing the inspection.

(Ord. No. 2569, § 7, 5-3-93; Ord. No. 2715, § 1, 11-4-96)

Sec. 15-306. Notice of removal.

Whenever an authorized city official finds or is notified that any abandoned, inoperable or junked motor vehicle or any motor vehicle accessories have been stored or permitted to remain on any public or private property within the city, in full view of the public, the city shall send a notice by certified mail, return receipt requested, first class postage prepaid, to the owner of record of such motor vehicle or accessories, if such owner can be
ascertained by the exercise of reasonable diligence, and also to the owner of the private property upon which such motor vehicle or accessories is located, if applicable, as such owner is shown by the real estate tax records maintained by the county. The notice shall require the owner of the motor vehicle or accessories and/or the owner of the private property upon which any such vehicle or accessories are located, if applicable, to remove the same within seven days after the date of the notice. The notice shall also contain the following additional information:

(1) The nature of the complaint;

(2) Description and location of the motor vehicle and/or motor vehicle accessories;

(3) Statement that the owner of the motor vehicle or his agent may request a hearing and appropriate information on how to obtain a hearing if desired;

(4) Statement that any abandoned or inoperable motor vehicle will be removed from the property upon expiration of the seven-day notice period or after the conclusion of a hearing decided in favor of the city;

(5) Statement that any nuisance created by a junked motor vehicle or any motor vehicle accessories will be abated as provided by the code and applicable law;

(6) Statement that other penalties may be applicable by ordinance and the nature of such penalties.

(Ord. No. 2569, § 8, 5-3-93; Ord. No. 2715, § 2, 11-4-96; Ord. No. 2928, § 3, 10-6-03; Ord. No. 05-05, § 2, 2-22-05)

Sec. 15-307. Hearing procedures.

In any case where the owner of a motor vehicle or his agent requests a hearing the following procedure shall apply:

(1) A hearing shall be held before the mayor or his designated representative;

(2) The hearing shall be held on a date and time mutually agreed upon by the parties within 72 hours after the request is received except that the motor vehicle owner shall be allowed any reasonable continuance as determined by the mayor.

(3) The city shall bear the burden to establish facts sufficient to justify the towing of the motor vehicle.

(4) The hearing shall be conducted informally and the motor vehicle owner shall be given adequate opportunity to present facts establishing that the motor vehicle is not subject to being towed, or in appropriate circumstances was improperly towed, under this article.

(5) The mayor shall determine, based upon the evidence
presented and other facts he may request whether or not the motor vehicle is subject to being towed and enter an order appropriate under the circumstances.

(6) The decision of the mayor shall be appealable to a court of competent jurisdiction.

(Ord. No. 2715, § 3, 11-4-96)

Sec. 15-308. Removal and impoundment.

Any authorized city official is hereby authorized to remove or to have removed any abandoned or inoperable motor vehicle or any lost, stolen or unclaimed vehicle which has been left anywhere within the city after expiration of the required notification period or upon appropriate order issued by the mayor or a court of competent jurisdiction. Removal shall be by a properly licensed and approved towing service. Impoundment shall be at an approved impoundment area. Any such motor vehicle shall remain impounded until lawfully claimed by the owner or until properly disposed of as provided by law. The owner of any such motor vehicle may be required to pay the cost of towing and storage of such vehicle in addition to any other penalty or costs associated with such vehicle.

(Ord. No. 2569, § 9, 5-3-93; Ord. No. 2715, §§ 3, 4, 11-4-96)


ARTICLE VII. VEHICLE LICENSES

Sec. 15-321. Motor vehicle defined.

Sec. 15-322. License required.

Sec. 15-323. Operation of vehicle without license prohibited.

Sec. 15-324. Application.

Sec. 15-325. Fee.

Sec. 15-326. Issuance.

Sec. 15-327. Issuance and display of sticker.

Sec. 15-328. Term of license; proration of fee.

Sec. 15-329. Automobile dealers.

Sec. 15-330. Removal of sticker upon sale of vehicle.

Sec. 15-331. Replacement sticker.

Sec. 15-332. Acquiring vehicle of different class.

Sec. 15-333. Disposition of revenue.

Sec. 15-334. Penalty.

Sec. 15-321. Motor vehicle defined.

Whenever the term "motor vehicle" is used in this article, it shall be construed to include automobiles or passenger cars, motor trucks, motorcycles, motor bicycles, motorscooters, motor buses and all vehicles propelled otherwise than by muscular power, except traction engines and road rollers, the cars and engines of electric, diesel and steam railways and other motor vehicles running only upon fixed rails or tracks, but nothing in this article shall be construed to affect bicycles or tricycles or other vehicles propelled exclusively by muscular power. The term shall include trailers designed to be pulled by vehicles propelled otherwise than by muscular power.

(Code 1972, § 15-235)

Sec. 15-322. License required.

Every owner of a motor vehicle, who, if a natural person, resides within the city or who, if a firm or corporation, maintains and conducts its principal place of business within the city shall be required to pay each year to the city a tax or license fee, as provided for in this article, for the use of each such motor vehicle used within the city upon any of the streets, avenues or alleys of the city.

(Code 1972, § 15-236)

Sec. 15-323. Operation of vehicle without license prohibited.

It shall be unlawful for any person who is the owner of any motor vehicle required to be licensed under the provisions of this article to use such motor vehicle or permit the vehicle to be used or parked upon the streets, avenues or alleys of the city without having paid the license fee or tax required by this article.

(Code 1972, § 15-237)

Sec. 15-324. Application.

Any person desiring a license required by this article shall file an application with the city clerk, upon a form provided by him, setting forth the name and address of the applicant, the description of the motor vehicle for which the license is desired, and the place where such motor vehicle is to be kept when not in use, and also the number and kinds of other vehicles kept by the applicant or others at such place.

(Code 1972, § 15-238)

Sec. 15-325. Fee.

(a) The license fee or tax required by this article each such owner for each motor vehicle shall be as follows:

(1) Passenger cars and trucks having a capacity of
not over three-fourths ton . . . $ 8.00

(2) Motorcycles . . . 5.00

(3) Trucks and recreational vehicles having a capacity of more than three-fourths ton but not over three tons . . . 15.00

(4) Trucks and recreational vehicles having a capacity of over three tons and the tractor of tractor-trailer outfits having a capacity of over three tons . . . 19.00

(5) Buses over three tons . . . 19.00

(6) For automobile dealerships on vehicles with dealer license plates and on vehicles leased outside the corporate limits of the city, one fee covering all the vehicles of the dealership . . . 80.00

(b) Wheels carried as spare wheels shall not be counted in determining the fee or tax.

(c) Any owner of a motor vehicle failing to purchase the license provided for in this article shall be assessed a penalty at the time of purchase equal to 50 percent of the fee established in subsection (a) of this section.

(d) All new residents of the city shall be granted 30 days to purchase their vehicle tax sticker.

(e) All residents must purchase a vehicle tax sticker within 15 days after purchase or lease of any new or used vehicle.

(Code 1972, § 15-239)

Sec. 15-326. Issuance.

Upon payment of the required fee by the applicant for a license required by this article, the city clerk shall issue a license, which shall be attested by him, authorizing the use of the motor vehicle within the city until the expiration of the license. Licenses required to be posted on January 1 of each year shall be available for purchase on October 15 of each year.

(Code 1972, § 15-240; Ord. No. 2658, § 1, 2-21-95)

Sec. 15-327. Issuance and display of sticker.

Upon the issuance of the license required by this article, the city clerk shall deliver to the applicant without charge a sticker of such design and material as may be approved by the city council. It shall be the duty of such applicant to affix and display such sticker in the manner provided in this section. On motor vehicles the sticker shall be displayed on the lower righthand corner of the front windshield. Stickers on motorcycles, motorbikes, motorscooters and mopeds are to be properly displayed on the rear fender or be clearly visible
from the rear. It shall be unlawful for the owner of any motor vehicle required to be licensed pursuant to this article, although it is duly licensed, to use such motor vehicle or permit the vehicle to be used upon the streets, avenues or alleys of the city without such sticker being thus affixed and displayed thereon.

(Code 1972, § 15-241)

Sec. 15-328. Term of license; proration of fee.

The license fee or tax required by this article shall be due and payable annually in advance on January 1 of each year, and the license shall be for one year; provided that, if the motor vehicle is purchased or acquired six months after the start of the license year, then upon application being made to the city clerk a license shall be issued for the remainder of the year upon payment of one-half of the fee required by section 15-325.

(Code 1972, § 15-242; Ord. No. 2658, § 2, 2-21-95)

Sec. 15-329. Automobile dealers.

A dealer in motor vehicles holding a dealer's license issued by the state and having a state registration certificate may, in lieu of paying the fee or tax specified in this article, obtain a license covering all motor vehicles owned by such dealer by paying to the city a license fee or tax of $6.00 for each set of Illinois dealer's license plates held by him, and such dealer shall not be required to display the sticker mentioned in this article upon any motor vehicle owned by him upon which is displayed his Illinois dealer's license plates.

(Code 1972, § 15-243)

Sec. 15-330. Removal of sticker upon sale of vehicle.

Immediately upon the sale of any vehicle licensed under the provisions of this article, when the sale is made prior to the date of expiration of the license, the vendor shall remove the sticker issued pursuant to this article from the vehicle.

(Code 1972, § 15-244)

Sec. 15-331. Replacement sticker.

Whenever the owner of any vehicle licensed under this article, before the expiration of such license, sells or otherwise disposes of the vehicle, but thereafter acquires another vehicle of the same class as that for which the license was originally issued, and desires a new license, the owner shall make application to the city clerk for the license, giving such a detailed description of the new vehicle as the city clerk shall require, and upon the surrender a sufficient amount of the transparent license emblem to prove to the city clerk that the emblem has been destroyed a new sticker shall be issued as requested, upon the payment to the city collector of a fee of $1.00.

(Code 1972, § 15-245)

Sec. 15-332. Acquiring vehicle of different class.
Whenever the owner of any vehicle licensed under the terms of this article, before the expiration of the license, sells or otherwise disposes of the vehicle, and thereafter acquires another vehicle of a class which requires the payment of a higher license fee than was originally paid for the vehicle disposed of, the owner shall make application for a license for the new vehicle, giving such a detailed description of the new vehicle as the city clerk shall require. It shall be permissible, upon payment of the difference between the fee originally paid for the vehicle disposed of and the fee required to be paid for the new license, plus a fee of $0.50, to issue a new license for the vehicle so acquired.

(Code 1972, § 15-246)

Sec. 15-333. Disposition of revenue.

All revenue derived from the license fees or tax collected pursuant to this article, except for the cost of issuing the license and stickers and collecting the fees or tax, shall be kept in a separate fund and used only for paying the cost of street and alley repairs or improvements, as provided by statute.

(Code 1972, § 15-247)

Disposition of funds collected pursuant to motor vehicle tax, Ill. Rev. Stat. ch. 24, ¶ 8-11-4.

Sec. 15-334. Penalty.

Any violation of the provisions of this article shall be punishable by a fine of $25.00. Every violation of this article shall be a continuing violation and each day that any violation continues, shall constitute a separate offense punishable under this section.

(Ord. No. 2658, § 3, 2-21-95)


ARTICLE VIII. CITATIONS AND FINES [6][67]

Sec. 15-351. Penalties for parking violations.

Sec. 15-352. Responsibility for violations.

Sec. 15-353. Parking violations—Administrative adjudication system.

Sec. 15-354. Same—Issuance of hang-on violation notice.

Sec. 15-355. Same—Action by recipient of citation.

Sec. 15-356. Same—Failure to appear; service of additional notices.

Sec. 15-357. Same—Final determination of liability: petition to set aside.

Sec. 15-358. Same—Hearings.

Sec. 15-359. Same—Report to state following exhaustion of administrative remedies.
Sec. 15-360. Same—Procedure for nonresidents.

Sec. 15-361. Same—Schedule of fines.

Sec. 15-362. Arrest; citations generally; release of operator on bail.

Sec. 15-363. Disposition of records of violations.

Sec. 15-364. Unlawful influence of law enforcement personnel.

Sec. 15-365. Bicycle and pedestrian offenses—Issuance of citation.

Sec. 15-366. Same—Disposition of citations; records of violations.

Sec. 15-367. Same—Action by recipient of citation.

Sec. 15-368. Failure to appear.

Sec. 15-369. Supplementary notice of violations.

Sec. 15-370. Existing prosecutions continued.

Secs. 15-370—15-400. Reserved.

**Sec. 15-351. Penalties for parking violations.**

(a) In addition to the towing and impoundment provisions of this chapter that relate to parking violators, the following penalties will be imposed upon the owner or operator who is issued a traffic violation notice for committing any of the offenses listed in this subsection and who pays the penalty to the clerk of the city within 14 days of the issuance of the notice, with payments made by mail credited as of the postmark date:

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Overtime parking</td>
<td>$5.00</td>
</tr>
<tr>
<td>2</td>
<td>No parking zone</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Parking on private property</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Parking in handicapped area</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>All other parking violations not listed above</td>
<td></td>
</tr>
</tbody>
</table>

(b) If the owner or operator fails to pay the penalty within 14 days of issuance of the notice, but pays before an action is filed in the circuit court, he or she may avoid prosecution for the offense, as well as payment of additional court costs, only by paying the following amounts to the clerk of the city:

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Overtime parking</td>
<td>$10.00</td>
</tr>
</tbody>
</table>
(2) No parking zone . . . 40.00
(3) Parking on private property . . .
    50.00
(4) Parking in handicapped area . . .
    350.00
(5) All other parking violations not listed above . . .
    40.00

(Ord. No. 2413, § 2(15-167.01), 4-2-90; Ord. No. 2950, § 1, 2-9-04; Ord. No. 14-05, § 3, 2-3-14)

Sec. 15-352. Responsibility for violations.

(a) In all nonparking, pedestrian and bicycle violations, the person actually committing the prohibited actions shall be deemed responsible for these actions unless provided otherwise in this chapter.

(b) In all cases of parking violations, except as otherwise provided in this section, the person in whose name the vehicle is registered shall be responsible for the violation, as well as the person in whose actual possession the vehicle was at the time of the violation.

(c) Every person in whose name a vehicle is registered pursuant to law and who leases the vehicle to others, after receiving written notice of a violation of this chapter or any ordinance restricting or prohibiting parking involving the vehicle, shall, upon written request by the city, provide the city with the name, address and other identifying material of the lessee at the time of the offense, and the identifying number upon the registration sticker of the vehicle.

(d) Whenever any vehicle shall have been abandoned in violation of any of the provisions pertaining to abandoned vehicles, the person in whose name the vehicle has last been registered shall be deemed prima facie responsible for the abandonment and subject to all penalties, fees and costs applicable thereto.

(Ord. No. 2413, § 2(15-167.02), 4-2-90)

Sec. 15-353. Parking violations—Administrative adjudication system.

(a) There shall be provided a system of administrative adjudication as required by Section 11-208.3 of the Illinois Vehicle Code to cause the suspension of a registered vehicle owner's or lessee's driver's license upon his failure to pay fines or penalties due and owing as a result of ten or more city standing or parking violations.

(b) This section shall not preclude the city from adopting procedures pursuant to Section 6-306.5 of the Illinois Vehicle Code, providing
for the authority to file a certified report to the secretary of state upon a person's failure to satisfy any fine or penalty imposed by a final judgment from a court of law for ten or more standing or parking violations. In addition, notwithstanding any provision of this chapter, the city may continue to prosecute in a court of law any person receiving less than ten standing and parking violations as defined in this chapter.

(c) The city clerk shall serve as parking administrator and shall be authorized to adopt, distribute and process parking violation notices and other notices required, and to collect money paid as fines and penalties for violation of parking ordinances, and shall operate the administrative adjudication system. The parking administrator also may make a certified report to the secretary of state.

(Ord. No. 2413, § 2(15-167.03), 4-2-90; Ord. No. 2603, § 47, 1-3-94)

Sec. 15-354. Same—Issuance of hang-on violation notice.

(a) Any employee of the city authorized to issue vehicular parking and standing citations and who detects a violation of any section of this chapter restricting or prohibiting parking or standing of motor vehicles shall issue a hang-on parking violation notice by either affixing it to an unlawfully parked vehicle or handing it to the operator of such vehicle if he is present.

(b) Meter maids, traffic wardens and police officers shall be authorized to issue hang-on parking violation notices in accordance with the provisions set forth in this chapter.

(Ord. No. 2413, § 2(15-167.04), 4-2-90)

Sec. 15-355. Same—Action by recipient of citation.

(a) A person receiving a citation for a parking violation may challenge the parking violation by making an appearance in one of the following manners:

(1) Payment of the fine indicated on the citation. Such payment shall be made by the deadline stated on the citation and shall operate as the final disposition of the violation.

(2) Requesting a hearing on the merits of the parking violation in the time and manner specified on the hang-on notice and attendance at the hearing at the time, date and place specified by the city clerk. The hearing shall be conducted in accordance with procedures set forth in section 15-358.

(b) Grounds for challenging a parking violation at the hearing shall include documented proof that the parking meter was not in working condition at the time the citation was issued. The person who received the citation must notify the city clerk's office on forms provided therein and no later than the close of the following business day that the parking meter is in
Sec. 15-356. Same—Failure to appear; service of additional notices.

(a) Failure to make an appearance as provided in section 15-355 shall result in additional notices of violation, as indicated in this section, being sent by first class mail to the registered owner of the cited vehicle at his address as recorded with the secretary of state or to the lessee of the cited vehicle at the last address known to the lessor of the vehicle at the time of lease. Service of additional notices shall be complete as of the date of deposit in the United States mail.

(b) A second notice of violation shall be sent to the responsible party as defined in subsection (a) of this section upon the failure of the recipient of a hang-on parking violation to make an appearance as prescribed in section 15-355. The recipient may appear by either paying the indicated fine and assessed penalty for late charges or by requesting a hearing on the merits of the citation in the time and manner specified on the second notice and attending such hearing at the time, date and place specified by the city clerk. Failure to appear as prescribed in this subsection shall result in a final determination of parking violation liability for the cited violation.

(c) A notice of final determination of parking violation liability shall be sent to the responsible party as defined in subsection (a) of this section upon the failure to appear pursuant to the second notice of violation and after a final determination of parking violation liability has been rendered in accordance with section 15-357. The recipient may appear by paying the fine and penalty within the time specified on the notice and shall be advised that failure to so pay may result in the city's filing of a petition in the circuit court to have the unpaid fine or penalty rendered a judgment as provided by section 11-208.3 of the Illinois Vehicle Code, and that proceedings to suspend his driver's license will be initiated pursuant to section 6-306.5 of the Illinois Vehicle Code, for failure to pay fines or penalties for ten or more parking violations.

(d) A notice of impending driver's license suspension shall be sent to the person for whom a final determination of liability was rendered in accordance with this chapter on each of ten or more unpaid parking violations. Failure to pay the fines and penalties owing within 45 days of the date of the notice shall result in notification to the secretary of state of the person's eligibility for initiation of driver's license suspension proceedings.

Sec. 15-357. Same—Final determination of liability: petition to set aside.

(a) A final determination of parking ticket violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of parking violation liability and the parking administrator's denial
of a petition to set aside the determination or expiration of the period for filing such petition without a filing having been made.

(b) A determination of parking ticket violation liability may be set aside by filing a petition with the parking administrator within ten working days after the hearing officer's determination. Petitions shall be available at the office of the city clerk and shall specify the grounds on which a challenge may be based, including the following:

1. The person owing the unpaid fine or penalty was neither the owner nor lessee of the cited vehicle on the date the parking violation notice was issued.
2. The fine or penalty was paid for the parking violation in question.
3. Excusable failure to request a hearing, appear at a hearing or request a new date for hearing.

(c) The parking administrator shall render a decision within 14 days of receipt of the petition, and shall immediately notify the hearing officer and petitioner of such decision.

(d) If the petition is granted and determination of parking violation liability set aside, the registered owner or lessee shall be provided a hearing on the merits of the violation and shall be given notice of the time and manner in which it will take place.

(Ord. No. 2413, § 2(15-167.07), 4-2-90)

Sec. 15-358. Same—Hearings.

The hang-on parking violation citation and the second notice of liability shall provide the alleged violator with the time and manner in which a hearing contesting the merits of the alleged violation shall be held. Neither formal nor technical rules of evidence shall apply. Such hearing shall be recorded and the person conducting the hearing on behalf of the parking administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at such hearing may be represented by counsel at their expense.

(Ord. No. 2413, § 2(15-167.08), 4-2-90)

Sec. 15-359. Same—Report to state following exhaustion of administrative remedies.

(a) Upon the failure to pay fines and penalties deemed due and owing after the exhaustion of administrative procedures set forth in this chapter for ten or more parking violations, the parking administrator shall make a certified report to the secretary of state stating that the owner of a registered vehicle has failed to pay any fine or penalty due and owing as a result of ten or more violations of the city's vehicular parking regulations and thereby cause the suspension of that person's driver's license.
(b) The parking administrator shall take no further action unless and until the fines and penalties due and owing are paid or upon determination that the inclusion of the person's name on the certified report was in error. At such time, the parking administrator shall submit to the secretary of state a notification which shall result in the halting of driver's license suspension proceedings. The person named therein shall receive a certified copy of such notification upon request and at no charge.

(c) Persons may challenge the accuracy of the certified report by completing a form provided by the office of the city clerk which specifies grounds on which such challenge is based. Grounds for challenge shall be limited to the following:

1. The person was neither the owner nor lessee of the vehicle receiving ten or more parking violation notices on the dates such notices were issued.

2. The person has paid the fine and penalty for the ten or more violations indicated on the certified report.

(d) The parking administrator shall render a determination within ten business days of receipt of the objection form and shall notify the objector thereof.

(Ord. No. 2413, § 2(15-167.09), 4-2-90)

Sec. 15-360. Same—Procedure for nonresidents.

(a) Persons who are not residents of the city may contest the merits of the alleged violation without attending a hearing as provided in this article by submitting a waiver of hearing and a notarized statement of facts specifying grounds for challenging the citation. Such documentation must be received by the city clerk within the time for requesting a hearing.

(b) The hearing officer shall issue to the parking administrator a finding based on the statement of facts.

(c) The parking administrator shall notify the nonresident of the hearing officer's determination.

(d) In all other respects, the procedures set forth in this article shall apply to nonresidents.

(Ord. No. 2413, § 2(15-167.10), 4-2-90)

Sec. 15-361. Same—Schedule of fines.

Fines and penalties for motor vehicle parking and standing violations shall be set in accordance with the schedule provided in section 15-351.

(Ord. No. 2413, § 2(15-167.11), 4-2-90)
Sec. 15-362. Arrest; citations generally; release of operator on bail.

Any person arrested for a violation of this chapter, except as otherwise provided in this article, shall be issued a citation on forms provided and approved by the chief of police and shall be released upon proper bail being furnished in the form of cash, bond card or operator's license in accordance with law. The bail amounts shall be those prescribed for similar offenses listed in Illinois Supreme Court Rule 526. This shall not limit an officer's right to release a driver after issuance of a notice to appear in accordance with the laws of the state and police department guidelines.

(Ord. No. 2413, § 2(15-167.12), 4-2-90; Ord. No. 2603, § 49, 1-3-94)

Sec. 15-363. Disposition of records of violations.

(a) Every police officer, upon issuing a traffic violation citation to an alleged violator, shall deposit the corresponding traffic violation complaint with his immediate superior officer, who shall cause the complaint to be filed in the county circuit court.

(b) Upon the filing of the traffic violation complaint in the county circuit court as provided in this section, the complaint may be disposed of only by trial in the court or other official action by the city attorney or by a judge of the court, including forfeiture of bail, or by payment of a fine to the clerk of the court.

(c) The chief of police shall require the return to him of a copy of every traffic violation citation issued by a member of the police department to an alleged violator or any traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(d) The chief of police shall maintain or cause to be maintained in connection with every traffic violation citation issued by a member of the police department a record of the disposition of the charge in the county circuit court.

(e) The chief of police shall maintain or cause to be maintained a record of all warrants issued by the county circuit court on the charges to the police department for service and the disposition of all warrants.

(Ord. No. 2413, § 2(15-167.13), 4-2-90; Ord. No. 2603, § 50, 1-3-94)

Sec. 15-364. Unlawful influence of law enforcement personnel.

No person shall bribe or attempt to bribe, threaten, intimidate, or otherwise influence any police officer or other person lawfully authorized to enforce the provisions of this chapter. Any person who attempts to bribe or otherwise influence any personnel from performing his duty under the provisions of this chapter, or who does bribe or influence any personnel from performing his duty under this chapter, shall be prosecuted therefor, and upon conviction shall be punished by a fine of not less than $100.00 and not more than $500.00.
Sec. 15-365. Bicycle and pedestrian offenses—Issuance of citation.

Upon any authorized employee of the city detecting a violation of any section of this chapter regulating pedestrian behavior, or regulating bicycle, skateboard or human-powered vehicle traffic, a citation, on forms approved by the chief of police, will be issued. It will be delivered to the pedestrian or operator of the vehicle.

Sec. 15-366. Same—Disposition of citations; records of violations.

(a) Every officer or authorized city employee, upon issuing a citation and notice of violation of any city pedestrian or bicycle ordinance, shall deposit the corresponding complaint of the notice with his immediate supervisor, who shall cause the notice to be transported to the city clerk.

(b) The city clerk shall receive and provide adequate means of accounting for bicycle and pedestrian citations received and accept appropriate payments from persons issued the citations in accordance with this article.

Sec. 15-367. Same—Action by recipient of citation.

(a) A person receiving a citation for a pedestrian, bicycle, skateboard or human-powered vehicle violation may, within seven days beginning on the first day after the issuance of a citation, appear in person at the place designated on the notice and file an objection to traffic violation notice on the form provided by the city.

(b) When an objection to traffic violation notice has been filed, it shall be reviewed within ten business days by the city traffic engineer or parking manager to determine whether the traffic violation notice was properly or improperly issued.

(c) If the city traffic engineer or parking manager finds the facts to indicate the traffic violation notice was improperly issued, the reason shall be stated on the objection to traffic violation notice, the traffic violation notice shall be invalidated, and the objection shall be sent to the city clerk’s office and they shall enter the invalidation on their records. A copy of the objection shall also be sent to the person who filed it.

(d) If the city traffic engineer or parking manager finds the facts indicate the traffic violation notice was properly issued, the reason shall be
stated on the objection to traffic violation notice, the traffic violation notice shall remain valid, and the objection shall be sent to the city clerk's office and they shall enter the time for payment on their records. A copy of the objection shall also be sent to the person who filed it, informing him that the traffic violation notice has been found properly issued and that payment must be made within 14 days beginning on the day after issuance of the notice or within eight days beginning on the third day the reviewing officer mails the decision, whichever occurs later. A notice mailed to the address listed by the objector on the objection form shall be presumed to have been received by the objector.

(e) The decision of the city traffic engineer or parking manager shall be final, subject only to payment or further action to collect the penalty as provided in this article.

(Ord. No. 2413, § 2(15-167.17), 4-2-90)

Sec. 15-368. Failure to appear.

Any person who receives a citation alleging a parking, pedestrian or bicycle, skateboard or human-powered vehicle violation who fails to pay the appropriate fine or file an objection to traffic violation notice as provided in this article shall be presumed to have waived his opportunity for a hearing, and the fines provided in this article will apply to all later proceedings.

(Ord. No. 2413, § 2(15-167.19), 4-2-90)

Sec. 15-369. Supplementary notice of violations.

(a) In any case other than parking, where a hang-on citation was issued for a violation without personal service upon a violator responsible in accordance with section 15-354, the city clerk shall, after 14 days have elapsed beginning on the first day after the issuance of the citation, send a written delinquency notice of the violation to the alleged violator or person responsible by United States mail. This notice shall be sent to the address supplied by the violator.

(b) Each notice sent will advise the recipient of the citation issued, the fine then applicable, and that failure to pay will result in prosecution of the case by complaint in the circuit court of the county.

(Ord. No. 2413, § 2(15-167.20), 4-2-90)

Sec. 15-370. Existing prosecutions continued.

Prosecution for any violation occurring before the effective date of this article is not affected or abated by the enactment of this article, and any fine levied as a result of the prosecution shall be governed by the ordinance in effect at the time of the violation.

(Ord. No. 2413, § 2(15-167.22), 4-2-90)
Secs. 15-370—15-400.  Reserved.

ARTICLE IX.  TOWING OF VEHICLES [7](68)

Sec. 15-401.  Definitions.

Sec. 15-402.  Towing rotation list.

Sec. 15-403.  Tow calls.

Sec. 15-404.  Towing and impoundment of illegally parked vehicles.

Sec. 15-405.  Reserved.

Sec. 15-406.  Indemnity.

Sec. 15-401.  Definitions.

The following words and phrases shall have the definitions indicated for purposes of this article:

Owner means any person who holds legal title of a vehicle or who has the legal right of possession thereof or the legal right to such vehicle.

Tow operator means any person who owns or operates a tow truck or wrecker.

Tow truck means every truck designed or altered and equipped for and used to push, tow or draw vehicles by means of a crane, hoist, towbar, towline or auxiliary axle, or to render assistance to disabled vehicles.

Towing rotation list means the rotation list of tow operators, prepared and used as provided in this article.

(Ord. No. 2593, § 2, 10-4-93)

Sec. 15-402.  Towing rotation list.

(a) The police department shall keep a master towing rotation list, in alphabetical order, of all tow operators who:

1. Apply to be on the list;
2. Maintain 24-hour towing service;
3. Meet insurance and other requirements as contained in 625 ILCS 5/4-203.5(b); and
4. Meet any additional criteria as established by the city.

(b) Tow operators who wish to be placed on the towing rotation list shall apply to the police chief on applications as provided by the
Sec. 15-403. Tow calls.

(a) When a police officer is called to investigate an abandoned or inoperable vehicle, a stolen vehicle, a vehicle left on public property for over 24 hours or a vehicle on public or private property which is or may become a traffic hazard and a vehicle is so located and identified, the officer shall contact the police department and advise the department of the circumstances. The department shall contact the tow operator who is next in line for call in the towing rotation list. The tow operator will be allowed 30 minutes to respond to the call. If a tow operator fails to respond, then the tow operator who appears next on the list shall be called and the first call shall be canceled. The tow operator who fails to respond shall be moved to the last position of the rotation list.

(b) The tow operator fails to respond to three consecutive calls by the police department, then such operator's name shall be removed from the towing rotation list. The tow operator may reapply to be placed on the towing rotation list.

(Ord. No. 2593, § 4, 10-4-93)

Sec. 15-404. Towing and impoundment of illegally parked vehicles.

(a) The police department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by a commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle, or any vehicle which has been parked in any public street or other public place for a period of 24 consecutive hours.

(b) Within 24 hours after any vehicle is towed under this section, the owner of such vehicle shall be given notice by certified mail of his right to request a hearing to dispute the propriety of the tow or the charges assessed. Any hearing held under this section shall be held substantially in conformity with the procedure provided in section 15-307.

(c) Cars so towed away shall be stored on any city property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the sums provided in this subsection:

(1) Seventy-five dollars for tows provided from Monday through Friday between 8:00 a.m. and 5:00 p.m.;

(2) One hundred fifty dollars for tows provided at all other times (being between 5:01 p.m. and 7:59 a.m.) and on municipal holidays;
(3) Twenty dollars per day for storage of towed vehicles; and  
(4) An additional $10.00 for the city's administrative services.

(Parking citations and fines, § 15-351 et seq.)

Sec. 15-405. Reserved.


Sec. 15-406. Indemnity.

Every tow operator approved for inclusion on the towing rotation list shall file a written statement with the police chief satisfactory to the city attorney whereby he agrees to indemnify and hold harmless the city, its officers, agents and employees, from any loss of liability or damage, including expenses and costs, for personal injury, including death, and for property damage sustained by any person as a result of the towing operators tows performed for the city.

(Ord. No. 2593, § 7, 10-4-93)

ARTICLE X. IMPOUNDMENT OF MOTOR VEHICLES USED IN CERTAIN OFFENSES

Sec. 15-407. Definitions.

Sec. 15-408. Prohibited acts resulting in seizure and impoundment.

Sec. 15-409. Exceptions.

Sec. 15-410. Authority for seizure and impoundment.

Sec. 15-411. Preliminary hearing.

Sec. 15-412. Final hearing.

Sec. 15-413. Liened vehicles.

Sec. 15-414. Unclaimed vehicles.

Sec. 15-407. Definitions.

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

*Cannabis* means any substance as defined in section 1 of the Cannabis Control Act (720 ILCS 550/1 et seq.) as now in force and as may be amended from time to time.

*Controlled substance* means any substance as defined and included in the schedule contained in Article II of the Illinois Controlled Substance Act (720 ILCS 570/201 et seq.), as now in force and as may be amended from time to time.

*Driving under the influence* means any violation as defined in section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501) as now in force and as may be amended from time to time.

*Driving while driver's license, permit or privilege to operate a motor vehicle is suspended or revoked* means any violation as defined in section 6-303 of the Illinois Vehicle Code (625 ILCS 5/6-303), as now in force and as may be amended from time to time.

(Ord. No. 11-08, § 2, 3-21-11)

Sec. 15-408. Prohibited acts resulting in seizure and impoundment.

(a) *Conduct prohibited.* A motor vehicle operated with the permission, express or implied, of the owner of record, that is used in connection with any of the following violations will be subject to seizure and impoundment by the city. The owner of record of said vehicle shall be liable to the city for an administrative penalty of $500.00 in addition to any towing and storage fees, and other fees deemed applicable. As used in the section, the owner of record of a motor vehicle means the record title holder:

1. Any vehicle which is operated or used in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized or forfeited pursuant to Section 36-1 of the Criminal Code of 1961.

2. Any vehicle which is operated by a person driving while under the influence of alcohol, or other drug or drugs, intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 5/11-501.

3. Any vehicle operated or used in the commission of, or in the attempt to commit, a felony or an offense in violation of the Cannabis Control Act.

4. Any vehicle operated or used in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act.

5. Any vehicle operated or used in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/24-1, 24-1.5 or 24-3.1.

6. Any vehicle which is operated by a person driving while his/her driver's license, permit, or privilege to operate a
motor vehicle is suspended or revoked pursuant to 625 ILCS 5/6-303; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

(7) Any vehicle operated or used while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act.

(8) Any vehicle operated or used by a person with an expired driver's license, in violation of 625 ILCS 5/6-101, if the period of expiration is greater than one year.

(9) Any vehicle operated or used by a person without ever having been issued a driver's license or permit, in violation of 625 ILCS 5/6-101, or operating a motor vehicle without ever having been issued driver's license or permit due to a person's age.

(10) Any vehicle operated or used by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated 625 ILCS 5/6-101, 6-303 or 11-501.

(11) Any vehicle operated or used by a person in the commission of, or in the attempt to commit, an offense in violation of 720 ILCS 5/Article 16 or 16A.

(12) Any vehicle that issued in the commission of prostitution as defined in the Illinois Criminal Code, 720 ILCS 5/11 et seq., solicitation of a prostitute or a sexual act as defined in said code, or pimping or juvenile pimping as defined in said code.

(13) Any vehicle which is used by a person during the aiding or abetting or commission of a felony or forcible felony as those terms are defined in the Illinois Criminal Code, 720 ILCS 5/2-7, 5/2-8 and 5/2-11.

(14) Any vehicle that is used by a person fleeing and attempting to elude a police officer as defined in section 5/11-204 or 5/11-204.1 of the Illinois Vehicle Code, 625 ILCS 5/11-204 and 5/11-204.1, as now in force and as may be amended from time to time.

(15) Any vehicle that is used by a person which the registration has been suspended for noninsurance as defined in 625 ILCS 5/30-708.

(16) Any vehicle that leaves the scene of a personal injury or property damage accident as defined in 625 ILCS 5/11-401, 5/11-402, and 5/11-403.

(b) Driving while intoxicated; standard of evidence: A sworn
report of a police officer, prepared in conformity with section 11-501.1 of the Illinois Vehicle Code, 625 ILCS 5/11-501.1, establishing that person has refused testing or has submitted to a test that discloses a blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis listed in the cannabis control act, controlled substance listed in the controlled substances act, or an intoxicating compound listed in the use of intoxicating compounds act, shall constitute prima facie evidence under this chapter sufficient to establish a finding of the vehicle owner's liability under this chapter. The presumption may be rebutted by clear and convincing evidence.

(Ord. No. 11-08, § 2, 3-21-11; Ord. No. 12-14, § 2, 3-19-12)

Sec. 15-409. Exceptions.

This chapter shall not apply to:

(a) A vehicle used in the violation was stolen at the time of the violation and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered;

(b) If the vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the vehicle; or

(c) With respect to subsection 15-408(a)(4) or (a)(5) of this chapter, the owner proves that the item found is not unlawful.

(Ord. No. 11-08, § 2, 3-21-11)

Sec. 15-410. Authority for seizure and impoundment.

(a) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to section 15-408 of this chapter, the police officer shall provide for the towing of the vehicle to a facility authorized by the city. At the time the vehicle is towed, the police officer shall notify any person identifying him/herself as the owner, or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure and the vehicle owner's right to a vehicle impoundment hearing as hereinafter provided, and that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lien holder posts with the municipality bond equal to the administrative penalty, towing and storage charges.

(Ord. No. 11-08, § 2, 3-21-11; Ord. No. 12-14, § 3, 3-19-12)

Sec. 15-411. Preliminary hearing.

(a) An owner of a motor vehicle seized under the provisions of this article may request a preliminary hearing by delivering a written request
to the Macomb Police Department within 12 hours after the seizure of the motor vehicle.

(b) If the written request is timely made, a hearing officer shall conduct a preliminary hearing within 72 hours after the request for preliminary hearing is received by the city; provided that if the date for the hearing falls on a Saturday, Sunday, or legal holiday, the preliminary hearing will be held on the next business day following the Saturday, Sunday or legal holiday. For purposes of this section, the following shall apply:

   (1) All interested persons will be given a reasonable opportunity to be heard at the preliminary hearing.

   (2) The formal rules of evidence will not apply at the hearing. Hearsay testimony will be admissible.

   (3) If, after the conclusion of the hearing, the hearing officer determines that there is probable cause to believe that the vehicle was used in the commission of any offense as hereinabove provided in subsection 15-408(a), the hearing officer shall order the continued impoundment of the vehicle, unless the owner of the vehicle posts a cash bond with the city in the amount of $500.00, plus the towing and storage costs.

   (4) If the hearing officer determines that there is not probable cause to believe that the vehicle was used in the commission of any offense as hereinabove provided in subsection 15-408(a), the motor vehicle will be returned to the owner of the vehicle without any penalty or other costs.

   (5) The hearing officer for the preliminary hearing shall be the Macomb Police Chief or his designee.

(Ord. No. 11-08, § 2, 3-21-11)

Sec. 15-412. Final hearing.

(a) Notice of right to hearing. Within ten days after a vehicle is seized or impounded pursuant to this chapter, the city shall provide notice to the registered owner or lessee of the vehicle and any lien holder of record of their right to a hearing to determine whether the vehicle is subject to impoundment pursuant to this article. Such notice shall be in writing, and shall either be personally delivered or mailed by first class mail to the interested party, as shown on the records of the secretary of state of the state in which the vehicle is registered.

(b) Notice of hearing. The notice of hearing shall contain the date, time and location of the administrative hearing. A hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 45 days after the date of the mailing of the notice of hearing.

(c) Hearing. For purposes of this section, the following shall
apply to the final hearing:

(1) The hearing officer for the final hearing shall be an attorney licensed to practice law in the State of Illinois for a minimum of three years.

(2) The hearing officer will, at the conclusion of the hearing, issue a written decision either sustaining or overruling the vehicle impoundment.

(3) All interested persons will be given reasonable opportunity to be heard at the hearing.

(4) The formal rules of evidence will not apply at the hearing. Hearsay testimony will be admissible.

(5) If the hearing officer determines by a preponderance of the evidence that the vehicle was used as hereinabove provided in subsection 15-408(a), the hearing officer shall order the continued impoundment of the vehicle until the owner of the vehicle pays to the city a penalty in the amount of $500.00, plus the towing and storage costs. The penalty and costs shall be a debt due to the city.

(6) If the hearing officer determines that the vehicle was not used as hereinabove provided in subsection 15-408(a), the motor vehicle will be released to the owner of the vehicle without any penalty or other costs, or, if a cash bond had previously been posted, the cash bond shall be returned.

(Ord. No. 11-08, § 2, 3-21-11; Ord. No. 12-14, § 4, 3-19-12)

Sec. 15-413. Liened vehicles.

Notwithstanding any other provision of this article, whenever a person with a lien of record against a vehicle impounded under this section has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the city the net proceeds of any foreclosure sale, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties and fees imposed under this article. The lien must be shown on the title and recorded with the Secretary of State.

(Ord. No. 11-08, § 2, 3-21-11)

Sec. 15-414. Unclaimed vehicles.

Any motor vehicle that is not reclaimed within 35 days after a final administrative decision is rendered in favor of the city upon a hearing or against an owner who is in default will be considered abandoned and may be disposed of as an unclaimed vehicle as provided by law.

(Ord. No. 11-08, § 2, 3-21-11; Ord. No. 12-14, § 5, 3-19-12)
Chapter 16  OFFENSES—MISCELLANEOUS

ARTICLE I.  IN GENERAL

Sec. 16-1.  Definitions.
Sec. 16-2.  Curfew for minors.
Sec. 16-3.  Returned item fee.
Secs. 16-4—16-10.  Reserved.

Sec. 16-1.  Definitions.

For purposes of this article, the following words shall have the meaning set forth in this section, unless the context clearly indicates a contrary meaning:

Cannabis includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

Intent to defraud means to act willfully, and with the specific intent to deceive or cheat for the purpose of causing financial loss to another, or to bring some financial gain to oneself without regard to the fact that anyone was actually defrauded or deceived.

Knowingly means a person acts with a conscious awareness of the nature or attendant circumstances of his conduct.

Noise means any sound which annoys or disturbs or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise-disturbance means any sound which:

(1)                 Endangers or injures the safety or health of humans or animals; or
(2)                 Annoys or disturbs a reasonable person of normal sensibilities; or
(3)                 Endangers or injures real or personal property.

Obscene means any material or performance that:
(1) The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;

(2) Depicts or describes:
   
a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or

   b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and

(3) Taken as a whole, lacks serious literary, artistic, political or scientific value.

**Obscene device** means a device including a dildo or artificial vagina, designed or marketed as useful primarily for the stimulation of human genital organs.

**Obscene material** means anything tangible that is capable of being used or adapted to arouse interest, whether through the medium of reading, observation, sound, or in any other manner, but does not include an actual three-dimensional obscene device.

**Patently offensive** means so offensive on its face as to be intolerable to the average person, applying contemporary community standards.

**Performance** means a play, motion picture, dance, or other exhibition performed before an audience.

**Person** may include a natural person, public or private corporation, government, partnership, or unincorporated association as the context may require.

**Promote** means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

**Prurient interest in sex** means a shameful or morbid interest in sex.

**Real property boundary** means the property line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

**Recklessly** means a person acts with a conscious disregard of a substantial and unjustifiable risk that circumstances exist or that a result will follow from his conduct and such disregard is a gross deviation from the standard of care which a reasonable person would exercise in the situation.

**Wholesale promotion** means to manufacture, issue, sell, provide, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, or to offer to do the same for the purpose of resale.
Sec. 16-2. Curfew for minors.

(a) Established. It shall be unlawful for a person less than 18 years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 21 years of age approved by a parent or legal guardian, or unless engaged in a business or occupation which the laws of the state authorize a person less than 18 years of age to perform:

(1) Between 12:01 a.m. and 6:00 a.m. Saturday.

(2) Between 12:01 a.m. and 6:00 a.m. Sunday.

(3) Between 11:00 p.m. and 6:00 a.m. of the following day on Sunday through Thursday.

(b) Work permit. Any person under 18 years of age who desires to be exempted from the provisions of subsection (a) of this section because of employment during curfew hours shall first obtain a permit therefor from the chief of police.

(c) Permitting violations. It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate any provision of this section.

(d) Enforcement. Each member of the police force, while on duty, is hereby authorized to detain any minor violating the provisions of this section until the parent, guardian or other person having custody of the minor shall take him into custody; but such officer shall immediately, upon taking custody of the child, communicate with such parent, guardian or other person.

(Code 1972, § 17-6; Ord. No. 2739, § 2, 8-4-97)

Sec. 16-3. Returned item fee.

The city will charge a $30.00 fee for each monetary transaction, either by check (electronic or paper), or credit card, returned by the financial institution for any reason.

(Ord. No. 2932, § 2, 11-3-03; Ord. No. 16-33, § 2, 11-4-16)

Editor's note—

Ordinance No. 2932, § 2, adopted November 3, 2003, did not specifically amend the Code, therefore § 16-3 was added at the discretion of the editor.

Secs. 16-4—16-10. Reserved.

ARTICLE II. OFFENSES AGAINST PUBLIC ORDER
Sec. 16-11. Disorderly conduct.

Sec. 16-12. Fighting.

Sec. 16-13. Discharge of weapons.

Sec. 16-14. Throwing missiles.

Sec. 16-15. Prohibited noises.

Sec. 16-16. Loud gatherings.

Sec. 16-16.1. Nuisance parties.

Sec. 16-16.2. Failure to disperse.

Sec. 16-17. False alarms or reports.

Sec. 16-18. Disorderly houses.

Secs. 16-19—16-30. Reserved.

Sec. 16-11. Disorderly conduct.

(a) No person shall engage in disorderly conduct. A person commits disorderly conduct, which is prohibited, when he knowingly:

1. Does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

2. Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it;

3. Disrupts the lawful activity of another by any act of violence, threat or other unreasonable or abusive conduct;

4. Causes, provokes or engages in any fight, brawl or riotous conduct which disturbs the public peace or threatens the safety of any person or property;

5. Assembles or congregates with another person or persons for the purpose of causing, provoking or engaging in any fight, brawl or riotous conduct;

6. Gathers or collects with others in any group or crowd for any unlawful purpose;

7. Utters any lewd or obscene words, or epithet, or other words designed to provoke another, in the presence of another person, and in such a manner as to provoke a breach of the peace;

8. Gathers or congregates with any other person or persons in or on any public street, alley or other public property in such a manner as to inhibit vehicular or pedestrian traffic and refuses to
disperse and clear such property when lawfully ordered to do so;

(9) Interferes with any public gathering or religious worship;

(10) Refuses or fails to cease and desist any peaceful conduct or activity likely to produce a breach of the peace where an imminent threat of violence exists, and where the police have made all reasonable efforts to protect the otherwise peaceful conduct and activity, and have requested that the conduct or activity be halted, and explained the reasons for the request if there is time;

(b) The penalty for a violation of this section shall be a fine of not less than $100.00 nor more than $750.00.

(Code 1972, § 17-21; Ord. No. 2528, § 3, 8-3-92; Ord. No. 2679, § 14, 10-2-95; Ord. No. 2739, § 4, 8-4-97)

Administration, ch. 2; false alarms of fire, § 10-4; fire department, § 10-81 et seq.; police, ch. 18.

Similar provisions, 720 ILCS 5/26-1.

Sec. 16-12. Fighting.

(a) It shall be unlawful for any person to knowingly:

(1) Start a fight, or to fight;

(2) Continue any fight after they have had an opportunity to withdraw; or

(3) Commit an assault or battery;

in the City of Macomb.

(b) The penalty for violation of this section shall be a fine of not less than $250.00 nor more than $750.00.

(Code 1972, § 17-28; Ord. No. 2739, § 5, 8-4-97; Ord. No. 05-32, § 2, 11-21-05; Ord. No. 16-12, § 2, 2-16-16)

Sec. 16-13. Discharge of weapons.

It shall be unlawful to discharge any firearm, air gun, BB gun, or any toy gun, projecting lead or any projectile excepting in a regularly established shooting gallery or shooting range or area lawfully open to hunting; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor any citizen from discharging a firearm when lawfully defending person or property.

(Ord. No. 2739, § 6, 8-4-97)

Prevention of fighting by municipalities, 65 ILCS 5/11-5-3.
Sec. 16-14. Throwing missiles.

It shall be unlawful to cast, throw or propel any stone, rock, missile or other object on any street, alley or other public place in such a manner as to disrupt vehicular or pedestrian traffic or endanger any person or property.

(Code 1972, § 17-27; Ord. No. 2739, § 7, 8-4-97)

Sec. 16-15. Prohibited noises.

(a) No person shall shout, bawl, scream, use profane or obscene language, dance, sing, fight, quarrel or make any loud or unusual noise or sound in any residence or in any part of the city in such a manner as to disturb the peace of the neighborhood or persons passing through the streets.

(b) No person shall unreasonably make, continue, or cause to be made, continued or permitted, any noise disturbance.

(c) No person shall use his real property in such a manner as to unreasonably make, continue, or cause to be made, continued or permitted, any noise disturbance across a real property boundary.

(d) No person shall use, operate, or permit the use or operation of any motor vehicle, so as to create a noise disturbance across a real property boundary, or at a distance of 50 feet from such motor vehicle when it is in or upon any street or public place.

(e) Nothing contained in this section shall prohibit the operation of any emergency vehicle, emergency warning device or other such device when in use for an actual or perceived emergency. Further nothing in this section shall apply to any noise produced by a public or private gathering for which a valid permit has been obtained.

(f) For the purposes of this section, an owner or occupant or the duly authorized agent of either of them, shall be accountable for any noise disturbance created upon any real property owned by them or under their control.

(g) The penalty for violation of this section shall be a fine of not less than $100.00 nor more than $750.00.

(Ord. No. 2496, § 2, 2-18-92; Ord. No. 2603, § 51, 1-3-94; Ord. No. 2739, § 8, 8-4-97; Ord. No. 06-05, § 2, 2-21-06)

Sec. 16-16. Loud gatherings.

(a) It shall be unlawful to collect, gather or be a member of a disorderly crowd or assembly that makes any noise, disturbance or sounds in any residence or in any part of the city in such a manner as to disturb the peace of the neighborhood or persons passing through the street.
(b) It shall be unlawful for any owner, occupant or other person in possession or control of any property to permit a disorderly crowd or assembly to gather or remain on such property. The presence of a disorderly crowd or assembly on any property in the city shall be prima facie evidence that the owner, occupant or other person in possession or control of such property knew of, and permitted, the disorderly crowd or assembly to gather on such property.

(c) The penalty of a violation of this section shall be a fine of not less than $100.00 nor more than $750.00.

(Code 1972, §§ 17-24, 17-34; Ord. No. 2528, § 4, 8-3-92; Ord. No. 2584, § 1, 8-16-93; Ord. No. 2679, § 14, 10-2-95; Ord. No. 2739, § 9, 8-4-97)

Sec. 16-16.1. Nuisance parties.

(a) Declaration of nuisance. A social gathering or party shall be deemed to constitute a public nuisance (hereinafter a “nuisance party”) when, by reason of the conduct of persons in attendance, it results in any of the following state law or city ordinance violations occurring at the site of the social gathering or on neighboring public or private property:

(1) Assault.
(2) Battery.
(3) Disorderly conduct.
(4) Hindering performance of a city officer or employee.
(5) Indecent exposure.
(6) Loud and raucous noise.
(7) Public urination or defecation.
(8) Reckless conduct.
(9) Unlawful destruction of or damage to property.
(10) Unlawful possession or use of fireworks.
(11) Unlawful sale, furnishing, manufacture, use, or possession of cannabis, a controlled substance, or drug paraphernalia.
(12) Unlawful sale, furnishing, possession, or consumption of alcoholic liquor.
(13) Unlawful throwing of stones or other missiles.

The above references to provisions of state law or city ordinances shall not be interpreted to require that prosecution of the specific charge is a necessary prerequisite to
enforcement of this section, nor shall this section require proof of the violation beyond a reasonable doubt.

(b) **Nuisance party prohibited.** No person who is an owner, occupant, tenant, or who otherwise has rightful possession or possessory control, individually or jointly with others, of any premises shall knowingly, negligently, or recklessly allow a social gathering or party on said premises to become a nuisance party as defined by subsection (a) above.

(c) **Order to cease and disperse.** A social gathering or party that is or becomes a nuisance party, as defined by subsection (a) above, shall cease upon the order of a police officer; and all persons not residing therein at the site of such nuisance party shall disperse immediately. No person shall knowingly or willfully fail or refuse to obey and abide by such an order.

(d) **Penalty.** Any person who fails to perform an act required by this section or who commits an act prohibited by this section shall be subject to a fine not less than $300.00 nor to exceed $750.00 for each offense.

(Ord. No. 12-10, § 2, 3-5-12)

Sec. 16-16.2. Failure to disperse.

(a) Whenever a police officer has probable cause to believe that a person or persons are creating a disturbance of the peace and quiet of any person or neighborhood, such police officer may order said person or persons not residing on the premises to disperse for the purpose of abating the said disturbance.

(b) It shall be unlawful for any person to refuse to comply with a lawful order to disperse given by a police officer in the performance of the officer's duties under this section.

(c) Any person violating this section shall be fined not less than $300.00 nor more than $750.00 for each offense.

(Ord. No. 12-09, § 2, 3-5-12)

Sec. 16-17. False alarms or reports.

(a) No person shall knowingly start or spread any false alarm of a fire, riot, explosion, civil disturbance or other breach of the peace in the city.

(b) No person shall report the existence of any fire or other emergency to the police, fire department, or other agency empowered to deal with an emergency when such person knows the report to be false.

(c) No person shall report the commission of an offense to the police department or other law enforcement agency which would require police action when such person knows that no such offense has occurred or knows that the information is false.
(d) No person shall knowingly give false information to the effect that a bomb will be exploded or that any other serious hazard exists in any public conveyance, church, school, theater, auditorium, assembly hall, factory, warehouse, industrial, commercial or residential buildings or any other place used for public gatherings.

(e) No person shall knowingly activate any fire, burglar or other intrusion alarm or any other similar alarm or device when such person knows that the alarm is false.

(f) No person shall call the emergency "911" telephone number except in the case of a bonafide emergency.

(g) In addition to any fine that may be imposed on any person, any person found guilty of a violation of subsection (e) which requires a response by the fire or police department shall be liable to the city for a response fee of $100.00 for any such false alarm.

(Ord. No. 2739, § 10, 8-4-97)

Sec. 16-18. Disorderly houses.

(a) Suppression of nuisances; disorderly houses. Any room, house, building, structure, or place, and any property kept and used in maintaining the same, where, in violation of the ordinances of the city, unlawful or illegal acts are committed, is hereby declared to be an unreasonable interference with the health, safety, welfare, and property of the citizens of the city, a disorderly house, and a public or common nuisance. Such nuisances may be restrained or suppressed by the city in any manner provided by law, and the city attorney is hereby authorized and empowered to take such legal action as may be necessary to restrain or suppress such nuisances.

(b) Disorderly house; maintaining. The term "disorderly house" as used in this section shall be deemed to be any room, house, building, structure, or premises, where unlawful or illegal acts are being committed. It shall be unlawful for the owner, lessee, resident, manager, or proprietor of any room, house, building, structure, or premises to knowingly collect or permit to be collected therein person who are engaging in any unlawful act, or to knowingly make, cause, permit, or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood.

(c) Inmate of disorderly house. It shall be unlawful for any person to be an inmate of or visit or frequent any disorderly house as declared in subsection (b) of this section, section 16-18, Disorderly houses, with knowledge of, and participation in, the illegal activities occurring therein.

(d) Disorderly house; penalty for violations.

(1) The penalty for a violation of this section shall be a fine of not less than $250.00 nor more than $750.00.
The penalty for subsequent violations of this section shall be a fine of not less than $500.00 nor more than $750.00.

(Ord. No. 12-41, § 2, 8-6-12)

Secs. 16-19—16-30. Reserved.

ARTICLE III. OFFENSES AGAINST PUBLIC AUTHORITY

Sec. 16-31. Resisting, obstructing and interfering with a public employee.
Sec. 16-32. Impersonating a city employee.
Secs. 16-33—16-50. Reserved.

Sec. 16-31. Resisting, obstructing and interfering with a public employee.

(a) No person shall resist arrest or interfere with an arrest anywhere in the city. A person commits the offense of resisting arrest or interfering with an arrest if, knowing or under circumstances where a reasonable person would understand that a police officer is making an arrest, he does any of the following:

(1) Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from the officer, or;

(2) Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.

(b) No person shall obstruct, hinder or prevent any police officer or other city official from:

(1) The lawful execution of any legal process, either civil or criminal;

(2) The apprehension of another person on a charge or offense;

(3) The investigation of any charge or offense;

(4) The prosecution of any charge or offense.

(c) No person shall interfere with or deter a police officer or other city official while engaged in the performance of his official duties. Acts of interfering shall include, but not be limited to:

(1) Failing or refusing to properly identify oneself when requested to do so;

(2) Giving false or misleading information to an
officer or official;

(d) This section applies to arrests made with or without a warrant for an ordinance violation or violation of state law. This section shall apply whether an officer successfully makes an arrest or merely attempts to make an arrest.

(e) The penalty for violation of this section shall established in the city fee schedule, section 24-10.

(Ord. No. 2739, § 12, 8-4-97; Ord. No. 06-05, § 3, 2-21-06; Ord. No. 12-51, § 5, 9-17-12)

Sec. 16-32. Impersonating a city employee.

It shall be unlawful for anyone to impersonate any city officer or employee.

(Code 1972, § 17-2; Ord. No. 2739, § 13, 8-4-97)

Administration, ch. 2.

Secs. 16-33—16-50. Reserved.

ARTICLE IV. OFFENSES AGAINST PUBLIC HEALTH OR DECENCY

Sec. 16-51. Urinating or defecating.
Sec. 16-52. Obscenity.
Sec. 16-53. Public indecency.
Sec. 16-54. Possession of cannabis less than ten grams.
Sec. 16-55. Prohibited sale and distribution of tobacco products to minors.
Sec. 16-56. Possession, purchase, or use of tobacco products by minors is prohibited.
Sec. 16-57. Definitions.
Sec. 16-58. Possession of drug paraphernalia.
Sec. 16-59. Manufacture or delivery of drug paraphernalia.
Sec. 16-60. Delivery of drug paraphernalia to a minor.
Sec. 16-61. Advertisement of drug paraphernalia.
Sec. 16-62. Seizure of drug paraphernalia.
Sec. 16-63. Look-alike substances.
Secs. 16-64—16-70. Reserved.

Sec. 16-51. Urinating or defecating.
Sec. 16-52. Obscenity.

(a) A person commits an offense if, knowing its content and character, he engages in the wholesale promotion, or possesses with the intent to engage in the wholesale promotion, of any obscene material or obscene device;

(b) A person commits an offense if, knowing its content and character, he:

   (1) Promotes or possesses with the intent to promote any obscene material or obscene device; or

   (2) Produces, presents, or directs an obscene performance or participates in a portion thereof that is obscene or that contributes to its obscenity.

(c) A person who promotes, or engages in the wholesale promotion of, any obscene material or obscene device, or possesses the same with the intent to promote, or engage in the wholesale promotion of, such material or device in the course of his business is presumed to know its content and character.

(d) A person who possesses six or more obscene devices or six or more items of obscene material, whether such devices or material are similar or identical, is presumed to possess them with intent to promote the same.

(e) This section does not apply to a person who possesses obscene material or obscene devices or participates in conduct otherwise proscribed by this section when the possession, participation or conduct occurs in the course of law enforcement activities.

(Ord. No. 2739, § 16, 8-4-97)

Similar provisions, 720 ILCS 5/11-20.

Sec. 16-53. Public indecency.

No person shall recklessly do any of the following, under circumstances in which his or her conduct is likely to be viewed by and affront others, not members of his or her household:
(1) Expose his or her private parts, or engage in masturbation;

(2) Engage in sexual conduct;

(3) Engage in conduct which to an ordinary observer would appear to be sexual conduct or masturbation.

(Ord. No. 2739, § 17, 8-4-97)

Sec. 16-54. Possession of cannabis less than ten grams.

(a) No person shall knowingly have in his possession any cannabis anywhere in the city.

(b) A person may be charged under this section only in circumstances where the cannabis in his possession is less than ten grams. In all other cases the person shall be charged under applicable state law.

(c) The penalty for a violation of this section established in the city fee schedule, section 24-10.

(Ord. No. 2739, § 18, 8-4-97; Ord. No. 12-51, § 6, 9-17-12)

Sec. 16-55. Prohibited sale and distribution of tobacco products to minors.

(a) Prohibited sales, delivery; signs.

(1) It shall be unlawful for any person, including any retailer, to sell, offer for sale, give away or deliver tobacco products to any person under the age of 18 years.

(2) Signs informing the public of the age restrictions provided for in this section shall be posted by every retailer at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

THE SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 18 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW.

The text of such signs shall be in red letters on a white background, such letters shall be at least ½ inch high.

(b) Minimum age to sell tobacco products. It shall be unlawful for any retailer or any officer, associate, member, representative, agent or employee of any such retailer to engage, employ or permit any person under 18 years of age to sell tobacco products in any retail premises.

(c) Free distributions restricted. It shall be unlawful for any retailer or any employee or agent of any such retailer or person, in the course of such retailer's or person's business, to distribute, give away or deliver tobacco
products free of charge to any person on any right-of-way, park, playground or other property owned by the city, any school district, any park district or any public library.

(d) *Vending machine; locking devices.*

(1) It shall be unlawful for any retailer under this article to sell or offer for sale, give away, or deliver, or to keep with the intention of selling, giving away or delivering tobacco products by use of a vending machine, unless the following conditions are met:

   a. Such vending machines shall be equipped with a manual, electric or electronic locking device controlled by the retailer so as to prevent its operation by persons under the age of 18 years of age.

   b. Such vending machines shall be so located that they shall be visible at all times to an employee of the retailer who is 18 years of age or older.

(2) Any places where access by persons under 18 years of age is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of the business located at such premises, shall be exempt from the requirements of subsection (1) of this section.

(e) Any retailer, employee, agent or adult who violates any provision of this section shall be fined not less than $50.00.

(Ord. No. 2868, § 1, 6-3-02)

Sec. 16-56. Possession, purchase, or use of tobacco products by minors is prohibited.

(a) *Purchase by minors prohibited.* It shall be unlawful for any person under the age of 18 years to purchase tobacco products, or to misrepresent such person's identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

(b) *Possession by minors prohibited.* It shall be unlawful for any person under the age of 18 years to possess any tobacco products; provided, that the possession by a person under the age of 18 years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(c) *[Penalty.]* The penalty for violation of this section:

   (1) Violators shall be referred to the McDonough County Teen Court Diversion Program. If the teen court determines that the referral is acceptable, the minor shall participate in the teen court process or attend an educational peer program designated and assigned by the teen court program. Teen court participation requires the participation of a parent or guardian and is voluntary.
Anyone who is found by teen court to not be an acceptable referral shall be fined not less than $50.00. Community service and/or educational programs may be assigned in lieu of or in addition to the minimum fine.

(Ord. No. 2868, § 1, 6-3-02)

Sec. 16-57. Definitions.

(a) The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances Act, the Cannabis Control Act, and the Hypodermic Syringes and Needles Act of this state. It includes but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine hydrochloride, dormin, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes and other
containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) Containers, heat seal machines and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

b. Water pipes;

c. Carburetion tubes and devices;

d. Smoking and carburetion masks;

e. Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

f. Miniature cocaine spoons, and cocaine vials;

g. Chamber pipes;

h. Carburetor pipes;

l. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers.

(b) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to
any controlled substance;

(3) The proximity of the object, in time and space, to a direct violation of the Controlled Substances Act;

(4) The proximity of the object to controlled substances;

(5) The existence of any residue of controlled substances on the object;

(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Controlled Substances Act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(7) Instructions, oral or written, provided with the object concerning its use;

(8) Descriptive materials accompanying the object which explain or depict its use;

(9) National and local advertising concerning its use;

(10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(13) The existence and scope of legitimate uses for the object in the community;

(14) Expert testimony concerning its use.

(Ord. No. 08-27, § 2, 6-2-08)

Sec. 16-58. Possession of drug paraphernalia.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act. Any person who violates this section upon conviction shall be fined not less than $200.00 and no more than $750.00.
Sec. 16-59. Manufacture or delivery of drug paraphernalia.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Illinois Revised Statutes as amended. Any person who violates this section upon conviction shall be fined not less than $200.00 and no more than $750.00.

Sec. 16-60. Delivery of drug paraphernalia to a minor.

Any person 18 years of age or over who violates section 16-59 by delivering drug paraphernalia to a person under 18 years of age who is at least three years his junior is guilty of a special offense and upon conviction may be fined not less than $200.00 and no more than $750.00.

Sec. 16-61. Advertisement of drug paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section upon conviction shall be fined not less $200.00 and no more than $750.00.

Sec. 16-62. Seizure of drug paraphernalia.

(a) Every device of drug paraphernalia as defined by section 16-57 of this article found in this city is contraband and shall be subject to seizure, confiscation, forfeiture and destruction by the city.

(b) Drug paraphernalia seized pursuant to an arrest or issuance of a notice to appear for a violation of this section, shall be forfeited to the city upon a plea of guilty, a finding of guilt and/or a disposition of court supervision. Any other items which may be seized or forfeited pursuant to Section 720 Illinois Compiled Statutes 600/5, may be forfeited in the same manner as described therein for a violation of this section.
Sec. 16-63. Look-alike substances.

(a) **Look-alike substances.** A substance, other than a controlled substance, which:

(1) By overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency or any other identifying physical characteristic of the substance would lead a reasonable person to believe that the substance is a controlled substance; or

(2) Is expressly or impliedly represented to be a controlled substance or distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2), the court or other authority may consider the following factors in addition to any other factor that maybe relevant:

   a. Statements made by the owner or person in control of the substance concerning its nature, use or effect;

   b. Statements made to the buyer or recipient that the substance may be resold for profit;

   c. Whether the substance is packaged in the manner normally used for the illegal distribution of controlled substances;

   d. Whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

(b) Any person convicted of possessing, keeping for sale, offering for sale, selling or delivering for commercial consideration look-alike substances shall be punished by a fine of not less than $750.00.

(Ord. No. 08-27, § 2, 6-2-08)

Secs. 16-64—16-70. Reserved.

**ARTICLE V. OFFENSES AGAINST PROPERTY**

Sec. 16-71. Trespass.

Sec. 16-71.1. Trespass to railroad property.
Sec. 16-72. Willful damage to property.
Sec. 16-74. Deceptive practice.
Sec. 16-75. Damaging city property.
Sec. 16-76. Tampering with signs.

Sec. 16-71. Trespass.

(a) No person shall trespass upon any public or private property anywhere within the city.

(b) Without limiting the generality of subsection (a) any of the following acts shall constitute trespass for purposes of this section:

1. Any entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by an owner or occupant thereof; or

2. The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

3. A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing by any owner or occupant thereof; or

4. An entry into or upon any vehicle without the consent of the person having the right to possession or control thereof, or a failure or refusal to leave any vehicle after being requested to leave by the person having the right to make such request.

(Ord. No. 2739, § 20, 8-4-97)

Sec. 16-71.1. Trespass to railroad property.

(a) Trespassing on railroad property is prohibited; no person may:

1. Walk, ride, drive or be upon or along the right of way or rail yard of a rail carrier within the city limits, at a place other than a public crossing;

2. Enter or be upon any railroad property; or

3. Willfully lead or contrive any animal to go upon the railroad’s right of way for any reason other than to pass over such
rights of way at a marked public crossing.

(b) Penalties. Any person found in violation of this section shall be subject to a mandatory fine of not less than $150.00 and no more than $750.00. For a subsequent offense, a person shall be subject to a mandatory fine of not less than $500.00 nor more than $750.00.

(Ord. No. 14-10, § 2, 3-3-14)

Sec. 16-72. Willful damage to property.

No person shall willfully damage, deface, conceal or impair the use of any real or personal property in which another person has a property interest, without the consent of such other person.

(Ord. No. 2739, § 21, 8-4-97)

Sec. 16-74. Deceptive practice.

(a) No person shall with intent to defraud and with intent to obtain control over property or pay for property, labor or services of another issue or deliver a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository.

(b) Failure to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when such check or other order is presented for payment on each of two occasions at least seven days apart, is prima facie evidence that the offender knows that it will not be paid by the depository, and that he has the intent to defraud.

(Ord. No. 2739, § 22, 8-4-97)

Sec. 16-75. Damaging city property.

No person shall damage, injure, deface or interfere with any property belonging to the city without permission of the city council.

(Code 1972, § 17-59; Ord. No. 2739, § 23, 8-4-97)

Criminal damage to property, 720 ILCS 5/21-1.

Sec. 16-76. Tampering with signs.

(a) No person shall tamper with any traffic sign, highway direction sign, traffic light, or sign indicating the name of any street. As used in this section, the word tamper shall include:

(1) Changing the wording of any sign; or

(2) Removing any sign; or

(3) Turning any sign so it no longer faces the direction it was installed to face; or
(4) Covering any sign; or
(5) Defacing any sign; or
(6) Shooting at any sign; or
(7) Doing any act that will render the sign more difficult to read; or
(8) Placing any obstruction in front of a sign.

(b) Nothing in this section shall be interpreted to prohibit any action by a person authorized by the city council or other proper agency having authority over a sign to take any action in connection with a sign.

(Ord. No. 2739, § 24, 8-4-97)

Chapter 17  PLANNING [1](69)

ARTICLE I.  INTRODUCTION AND POLICIES

DIVISION 1.  TITLE, AUTHORITY, PURPOSE AND EFFECTIVE DATE

Sec. 17-1.  Title.
Sec. 17-2.  Authority.
Sec. 17-3.  Purpose.
Sec. 17-4.  Effective date.
Sec. 17-5.  Repeal of preexisting code.
Sec. 17-6.  Extraterritorial application.
Secs. 17-7—17-15.  Reserved.

Sec. 17-1.  Title.

This chapter shall be known, cited, and referred to as "The Unified Development Ordinance of the City of Macomb" or the "development ordinance." Any reference to this chapter following its effective date shall be construed to mean this entire chapter as it may hereafter be amended.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-2.  Authority.

This chapter is adapted by the city pursuant to its authority under the Illinois Municipal Code, Plat Act, and other state and federal statutes as applicable.

(Ord. No. 2750, § 2, 11-17-97)
Sec. 17-3. Purpose.

The purpose of this chapter is to regulate and control the use and development of land within the jurisdiction of the City of Macomb. It is designed to promote the public health, safety, and general welfare, and more specifically to:

(1) Support the goals, objectives, and policies of the comprehensive plan and other plans adopted by the City of Macomb;

(2) Divide the city and the territory within one and one-half miles of its corporate limits into zoning districts and establish, by reference to a map, the boundaries of said districts;

(3) Prohibit uses, buildings or structures incompatible with the stated purpose of such districts respectively;

(4) Establish standards to which uses, buildings and structures within each district shall conform, therein restricting and regulating their location, construction, reconstruction, or alteration;

(5) Regulate the intensity of the use of each lot by requiring open areas around buildings and structures, to provide adequate light and ventilation;

(6) Prevent the overcrowding of land to ensure safety from fire, panic and other dangers;

(7) Limit congestion in the public streets by providing for off-street parking, loading and unloading of vehicles and by providing for alternative transportation modes where appropriate;

(8) Preserve and enhance the taxable value of land, buildings, and structures;

(9) Support the preservation of features of historic significance;

(10) Designate and define the powers and duties of the bodies and/or official(s) administering and enforcing this chapter and the procedures by which this chapter is administered; and

(11) Prescribe penalties for the violation of the chapter.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-4. Effective date.

This chapter was adopted and became effective on January 1, 1998.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-5. Repeal of preexisting code.
Upon this chapter taking effect after publication as required by law, the zoning and subdivision ordinances of the city, which ordinances were enacted August 15, 1966 and July 15, 1957, respectively, and all amendments thereto are repealed; provided that such repeal shall not affect the liability of any person for a violation of such ordinance or amendment thereto or the right of the city to prosecute for such violation.

(Ord. No. 2750, § 2, 11-17-97)

**Sec. 17-6. Extraterritorial application.**

(a) This chapter shall be applicable outside the corporate limits of the city to the fullest extent permitted by law.

(b) In determining the extraterritorial boundary for purposes of this chapter consideration shall be given to section lines, property boundaries, natural geographic features and other appropriate matters in determining whether an individual parcel should be included or excluded from the boundary at any point in time. In particular, efforts should be made not to divide the property owned by a single person in illogical ways.

(c) The extraterritorial boundary of the city shall be automatically extended and adjusted annually as part of the changes made to the city's official zoning map.

(Ord. No. 2781, § 1, 2-1-99)

**Secs. 17-7—17-15. Reserved.**

**DIVISION 2. COMPREHENSIVE PLAN**

**Sec. 17-16. Components.**

The Comprehensive Plan of the City of Macomb, as amended from time to time, establishes the policies for land use which are the underlying policies of this development ordinance. The comprehensive plan is an ordinance of the city, adopted pursuant to state law. It contains officially adopted policy statements as well as maps, including land use policy and thoroughfares. These maps shall be consulted when land use decisions pursuant to this development ordinance are being made. The maps of the comprehensive plan shall be used as criteria in making decisions upon land use requests.

(Ord. No. 2750, § 2, 11-17-97)

**Sec. 17-17. Policies and directives.**
If a plan is adopted as recommended by the plan commission, it may be implemented by ordinances:

(1) Establishing reasonable standards of design for subdivisions and for resubdivisions of improved land and of areas subject to redevelopment in respect to public improvements.

(2) Establishing reasonable requirements governing the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs gutters, sidewalks, streetlights, parks, playgrounds, schoolgrounds, size of lots to be used for residential purposes, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment.

(3) Designating land suitable for annexation to the city and the recommended zoning classification for such land upon annexation.

(4) Establishing the regulations by which building design and use of land within the various zoning categories are controlled and enhanced.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-18—17-25. Reserved.

DIVISION 3. PUBLIC FACILITIES PLAN

Sec. 17-26. Official map established.

Sec. 17-27. Official map procedures.

Secs. 17-28—17-40. Reserved.

Sec. 17-26. Official map established.

The map prepared by General Planning and Resource Consultants, 730 De Mun Avenue, Saint Louis, Missouri, labeled "Plate `A' Macomb, Illinois Official Map," approved by the planning commission on April 22, 1970 is hereby established [as] an official map for the City of Macomb, and the map prepared by consultants labeled "Plate `B' Macomb, Illinois Official Map," approved by the planning commission on April 22, 1970 is hereby established [as] an official map for the contiguous unincorporated area within one and one-half miles from the corporate limit of the City of Macomb, and are hereby made a part of this chapter. Said official maps shall be placed on file with the city clerk and shall be available at all times during business hours for public inspection and copies thereof shall be made available to all interested parties upon payment of the sum of $4.00 each, which amount is hereby determined to be adequate to reimburse the general fund of the city for the cost of printing and distributing same.

(Ord. No. 2750, § 2, 11-17-97)
Sec. 17-27. Official map procedures.

(a) Planned public improvements may be indicated on official map. The official map may show indication of sites for planned public facilities. Public facility sites which may be indicated on the official map may include but are not limited to sites for new traffic ways or widening of existing trafficways, school and recreational sites, public building sites, and sites for future storm drainage, electrical or other public service or utility easement.

(b) Planned public facilities on official map to be required on subdivision plat. Whenever the official map indicates the necessity for providing a site for a planned public facility, the city council may require that the site for the public use be designated on the subdivision plat before granting approval to such plat; and, furthermore, that such site be held for that specific public use for a period of one year from date of final plat approval.

(c) Responsible agency to purchase public site within one year. Whenever a site for public use shown on the official map has been required to be indicated on a subdivision plat, the responsible agency having jurisdiction of such use shall acquire the land so designated or commence proceedings to acquire such land by condemnation within one year from date of approval of such plat; and, if it does not do so within such period of one year, the land so designated may then be used by the owners in any other manner consistent with this regulation and the appropriate zoning regulation.

(d) Amendments or additions to official map. Amendments to the official map, including the indication of additional public sites to be shown on the map, shall be considered amendments to this regulation. Any agency requesting the establishment on the official map of a future public site or easement which is not included in the comprehensive plan shall indicate to the planning commission the need for the site in the particular location specified. The planning commission, before making a favorable recommendation for the inclusion on the official map of such site by council, shall find that the public site location is consistent with the comprehensive plan of the community and shall so indicate in its minutes.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-28—17-40. Reserved.

ARTICLE II. IN GENERAL

DIVISION 1. DEFINITIONS AND RULES OF WORD USAGE

Sec. 17-41. Word usage.

Sec. 17-42. Definitions.

Secs. 17-43—17-55. Reserved.
Sec. 17-41. Word usage.

The following rules of word usage apply to the text of this chapter:

(1) The particular shall control the general.

(2) In case of any difference of meaning or implication between the text of this unified development ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.

(3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(4) Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary; use of gender specific pronouns shall be interpreted to include both sexes.

(5) A "building" or "structure" includes any part thereof.

(6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied by."

(7) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:

(8) "And" indicates that all the connected items, conditions, provisions, or events shall apply.

(9) "Or" indicates that the connected items, conditions, provision, or events may apply singly or in any combination.

(10) "Either...or" indicates that the connected items, conditions, provision, or events shall apply singly but not in combination.

(11) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(12) The title "community development coordinator" as used in this unified development ordinance shall include planning staff as designated by the mayor and city council.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-42. Definitions.

Wherever in this chapter any of the following terms are used they shall have the meaning indicated hereafter in this article:
Abandonment means the complete discontinuance of, or actions manifesting an owner's intent to abandon, a use or a use of a building or structure.

Abutting means having a common border with, or being separated from such common border by a right-of-way, alley, or easement.

Accessory use or structure means a use or structure customarily incidental and subordinate to and located on the same lot with a principal use or structure. Where an accessory building is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the principal building.

Adult use means a use where activities distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas exceeds 25 percent of the use's activities.

Agriculture means the art or science of cultivating soil, including planting seed, harvesting of crops and raising, feeding and management of livestock or poultry.

Alley means any public right-of-way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Allowable encroachment. See "encroachment, allowable."

Alterations means a change or rearrangement in the structural parts or in the existing facilities of a building or structure; or an enlargement whether by extending on a side or by increasing height; or the moving from one location or position to another.

Amendment means any addition to, deletion from, or change in the text or map of this chapter.

Amusement devices means any machine or device which may be operated by the public and the intent of which is to entertain the operator of the machine through games of skill or chance or other audio/visual stimulation. The term does not include adult uses.

Amusement establishment means any establishment where the use of amusement devices for compensation exceeds 50 percent of the establishment's activities.

Animal hospital means any building or portion thereof designed or used for the care, observation, or treatment of domestic animals. See also, "kennel, commercial".

Animal waste lagoons [means] livestock waste handling facilities used for collecting, pumping, treating or disposing of livestock waste or for the recovery of by-products from such livestock waste. Such facilities include disposal areas, such as pasture or other suitable agricultural land, which serves as a filtering device to settle out and assimilate pollutants from animal waste before the clarified water reaches a stream or other body of surface or ground water. Animal waste includes livestock excreta and associated feed losses, bedding, wash waters, sprinkling water from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation and other materials polluted by livestock. Two or more livestock waste handling facilities under common ownership are deemed to be a single livestock waste handling facility if they are within ¼ mile of each other.

Antenna means any device designed to transmit or receive wave signals to or from any source whatsoever, including satellite dishes designed for home entertainment
purposes.

Antenna tower means any structure designed for the mounting of an antenna.

Apartment means any dwelling unit in a multiple-family dwelling.

Apartment building means a multiple-family dwelling in which each individual dwelling unit is provided with an entrance to a common hallway, and share a common entrance to the outdoors, exterior balcony or exterior walkway.

Appeal means a request to review a decision or interpretation of the community development coordinator or other permitted official relative to the administration of this chapter.

Architectural features means ornamentation or decorative features attached to or protruding from an exterior wall.

Assembly hall means a building or structure or portion thereof designed and used to conduct conferences, seminars, and other such activities.

Assisted living facility means the exclusive use of a facility for adults in need of some protective oversight or assistance due to functional limitations, which provides a living arrangement that integrates shelter, food and other supportive services to maintain a resident's functional status.

Basement means that portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and breakfast means an owner-occupied single-family dwelling where short term lodging and morning meals are provided for compensation.

Bedroom means a room or area within a dwelling unit designed and intended to provide sleeping accommodations for one or more human beings.

Block means the property abutting one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, lake, river, or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the city.

Board means the board of zoning appeals.

Boardinghouse. See "lodginghouse."

Build includes the terms establish, construct, erect, assemble, reconstruct, enlarge, alter or develop.

Buildable area means the area of the lot remaining after the minimum open space and/or yard requirements of this chapter have been complied with.
Building means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, nonconforming means a building or portion thereof, lawfully existing at the effective date of the ordinance from which this chapters derives, or amendments thereto and that does not conform to the provisions of the chapter in the district in which it is located. See also "lot, nonconforming," "structure, nonconforming," and "use, nonconforming."

Building, principal means a nonaccessory building in which the principal use of the lot is conducted.

Building change means any alteration, demolition, reconstruction, removal or construction to or upon a building.

Building coverage means the lot area covered by the principal building(s) and any roofed over accessory buildings or structures, measured from the exterior faces of exterior walls, but excluding decks, terraces and other accessory uses and structures which are open to the sky.

Building height. See "height, building."

Building line means a line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front building setback line.
Building setback line, front means a line establishing the minimum allowable distance between a street or other right-of-way and any structure as measured from the front property line or right-of-way (see "yard, required.").

Building setback line, side or rear means a line establishing the minimum allowable distance between a property line and any structure as measured from the property line (see "yard, required.").

Bulk. The term "bulk" signifies the size of buildings in terms of floor area and floor area ratio, the location of building wall in relation to lot lines and to the exterior walls of other buildings, and the yards, front, side and rear, required under the terms of this chapter.

Business means an occupation, employment, or enterprise which occupies time, attention, labor and materials, wherein merchandise is exhibited or sold, or where services are offered or provided.

Car wash means a building, or portion thereof, containing facilities for washing one or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

Certificate of occupancy means a certificate certifying that the building, as illustrated on approved plans and as constructed, conforms to the provisions of this chapter or is a lawfully existing nonconforming building.

Charitable institution means an organization that operates on a not-for-profit membership basis; and/or the office or meeting facility for such an organization.

Church. See "place of worship."

City means the "City of Macomb, Illinois."

City engineer means a qualified civil engineer employed or contracted by the city council in the capacity of city engineer.

Club or lodge means a nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private clubs or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members.

College or university means a public or private institution providing full-time or part-time education beyond the high school level and including any lodging rooms or housing for students or faculty. Business or trade schools are not considered colleges or universities.

Commission means the city planning commission.

Commitment means a recordable written agreement or pledge which may include a site plan, setting forth any binding limitations of use or development.

Community center means a building, together with lawful accessory buildings and uses, for recreational, social, educational, or cultural activities which is not operated for profit.
Community development coordinator means a staff member of the office of building and zoning who is authorized to hear complaints, make inspections, and take action to enforce the provisions of this chapter. The community development coordinator may also accept applications for amendments or variances to this chapter and administrate the related public hearings or procedures.

Comprehensive plan means the complete Comprehensive Plan of the City of Macomb and its planning jurisdiction and all of its subsequent amendments, or any of its parts, prepared by the commission, and adopted in accordance with state law.

Concentrated animal feeding operation means a lot or facility where structures are used to house the feeding of any number of cattle, milk cows, swine, sheep, lambs, goats, turkeys and/or chickens for more than 90 days in any one-year period; and crops, vegetation, forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are deemed to be a single concentrated animal feeding operation if they are within ¼ mile of each other or if they utilize a common area or system for the disposal of wastes. The feeding of animals at county fairs, university research farms and livestock shows are not considered concentrated animal feeding operations.

Conditional use. See "special use."

Condominium means an apartment which is privately owned by an individual owner or owners, who may or may not reside on the premises.

Construction means on-site erection, fabrication, installation, placement, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.

Contiguous area means all unincorporated area adjacent to the City of Macomb and as established on the zoning maps contained as part of this chapter.

Convalescent, nursing or rest home means an establishment for the care of the aged or infirm, or a place of rest for those suffering bodily disorders. Such establishment includes spaces where persons are housed or lodged and are furnished with meals, nursing, and medical care, but does not contain equipment for surgical care or for the treatment of disease or injury.

Convenience store means any retail establishment offering for sale prepackaged food items, household items, and other goods commonly associated with the same and having a gross floor area of not more than 7,500 square feet.

Crosswalks means easements to the public "for the purpose of foot traffic. Each adjacent lot shall extend to the center of the required crosswalk, which shall be provided with an all-weather surface, no less than five feet in total width. Minimum side yard requirements shall be increased on each adjacent lot to the width that lot projects into the easement.

Cul-de-sac means a short street having one open end to traffic and being permanently terminated by a vehicle turn-around.
Day means one calendar day. If a projected day falls on a weekend or holiday, the next following working day or week day shall fulfill requirements.

Day care center means an institution or place, other than a day care home, in which are received children, apart from their parent or guardian, for compensation, for a period no less than four and no more than 24 hours per day. The term "day care center" includes but is not limited to the following: nursery schools, child care centers, day nurseries, kindergartens and play groups, but does not include bona fide kindergartens or nursery schools operated by public or private elementary or secondary school systems. Day care centers must be licensed by and are subject to the applicable requirements of the city and state.

Day care home means a residential dwelling unit occupied by a family which receives no less than six and no more than 16 children, apart from their parent or guardian, for compensation, for a period no less than four and no more than 24 hours per day. The maximum of 16 children excludes the family's natural or adopted children and all other persons over the age of seven. The term does not include facilities which receive children from a single household or less than six children total. Day care homes must be licensed by, and are subject to the applicable requirements of, the city and state.

Day care operator means a person over 21 years of age who is responsible for the direct care, protection, and supervision of children in a day care center or day care home. Day care operators must be licensed by, and are subject to the applicable requirements of, the city and state.

Deck means an accessory structure which is constructed directly over and elevated from ground level and which is open to the sky.

Demolition means the complete removal or destruction of any structure.

Density means a unit of measurement describing the number of dwelling units per gross acre. This chapter may regulate this by establishing the permitted number of units per acre or the amount of land, measured in square feet or acres, required per individual unit.

Developer means any person engaged in developing or improving a lot or group of lots or structures thereon for use for occupancy.

Development means the construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use. For the purpose of flood regulations, "development" means any manmade change to improved or unimproved real estate, including but not limited to:

1. Construction, reconstruction, or placement of a building or any addition to a building valued at more than $1,000.00;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 120 days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, channel improvements, etc.;
(5) Mining, dredging, filling, grading, excavation, or drilling operations;
(6) Construction and/or reconstruction of bridges or culverts;
(7) Storage of materials; or
(8) Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include activities such as the maintenance of existing buildings and facilities such as painting, reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

Development plan means a plan for the siting and servicing of one or more structures, including considerations of building arrangements, circulation, public facilities and land-structure relationship.

Development standards include height, bulk and density and other standards for development as set forth in this unified development ordinance.

Disabled having:
(1) A physical or mental impairment that substantially limits one or more of a person's major life activities so that such person is incapable of living independently,
(2) A record of having such an impairment,
(3) Being regarded as having such an impairment.

Disabled shall not include current illegal use of or addiction to a controlled substance, nor shall it include anyone whose residency in a group home for the disabled would constitute a direct threat to the health and safety of other individuals.

District, zoning means a portion of the incorporated area or unincorporated area within the city's zoning jurisdiction where certain regulations and requirements or various combinations thereof apply under the provisions of this title.

Dormitory means a building or part of a building containing a room or rooms forming one or more habitable units which are used or intended to be used by residents primarily for living and sleeping.

Drive means a vehicular access to a development site other than one which has or shall be dedicated to the public, including private streets or roads. Regulations and standards for public streets shall apply to drives. Driveways shall not be considered drives. See also "street, private."

Driveway means a paved area intended solely for the purpose of accessing a garage or parking area.

Drive-in or drive-through facility means a facility developed such that its retail or service character is dependent upon providing a driveway approach or parking spaces for
motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, or to provide self-service for patrons.

**Dwelling** means a building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels or motels, camp cars, trailers, or any other vehicle on or off wheels.

**Dwelling, duplex** means a two-family dwelling in which the two dwelling units are attached horizontally via a common party wall or walls, and each if which has a separate ground floor entrance to the outdoors.

**Dwelling, multiple-family** means a dwelling containing three or more dwelling units where each unit is provided with an individual entrance to the outdoors or to a common hallway. Multiple-family dwellings may include apartment buildings, townhouses, and senior citizen housing as defined herein. The dwelling units may include condominiums.

**Dwelling, single-family** means a dwelling containing only one dwelling unit.

**Dwelling, single-family attached** means a single-family dwelling attached to other single-family dwellings at one or both sides by party walls, with no more than four single-family dwellings total, and each of which has a separate ground floor entrance to the outdoors. Single-family attached dwellings include row houses.

**Dwelling, single-family detached** means a single-family dwelling which is completely separate from other single-family dwellings.

**Dwelling, two-family** means a building containing two dwelling units, attached either vertically or horizontally.

**Dwelling unit** means any room or group of rooms located within a dwelling and forming a single habitable unit for occupancy by one family with facilities that are used, or intended to be used, for living, sleeping, cooking, and eating.

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**House Drawings**

**Easement** means land or an interest in land that has been designated by lawful agreement between the owner or owners of the land and another person or persons, for a specified use only by such person or persons.

**Effective date** means the date this chapter was passed and became effective.
Employee means a person who, with or without compensation, works for a business or organization on a regular, semi-regular, or recurring basis.

Encroachment means an accessory structure or building located within a required yard, or an appendage to a principal building which projects into a required yard. See also "allowable encroachment."

Encroachment, allowable means any accessory building or structure, including appurtenances on principal buildings, which is located within a required yard and is permitted under Article VII, Division 4 of this chapter.

Establishment means a facility carrying on operations, the ownership and management of which are separate and distinct from those of any other facility located on the same zoning lot.

Excavation means any breaking of ground, except common household gardening and ground care.

Family in R-1 and R-2 Districts means any one of the following itemized groups of persons living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship. Relation by blood shall include only persons having one of the following relationships with other individual(s) residing within the same housekeeping unit: parents, grandparents, children, sisters, brothers, grandchildren, stepchildren, first cousins, aunts, uncles, nieces or nephews;

2. Not more than two unrelated persons;

3. Two unrelated persons and his and/or her children by means of blood, adoption or guardianship;

4. An individual or group of two or more persons related by blood, marriage or legal adoption together with not more than six minor children operating as a foster family home or group home licensed by the State of Illinois;

5. A group home for the disabled as defined in Article Two, Chapter One, Section Two of the Unified Development Code of the City of Macomb;

6. Three or more people who are granted a Special Use Permit as a "Functional Family Unit" as defined by the Unified Development Code of the City of Macomb.

One additional unrelated person may reside in a single housekeeping unit and be defined as family within R-1 or R-2 districts as noted in items (1)—(4) above; provided however that such person can be described as meeting one of the following three criteria:

1. An active foreign exchange student authorized through, sponsored by and recognized by Macomb Community School District
A person whose primary purpose for residing in a household is to provide care, and/or aid to one or more other individuals also residing within the same housekeeping unit who are in reasonable need of assistance due to temporary or permanent physical or mental disabilities.

A person employed and monetarily compensated specifically for the purpose of providing in-home, live-in child care services to dependant minor children who reside within the same household as the caregiver.

In R-1 and R-2, single family residential zoning districts, a family does not include:

1. Any society, club, fraternity, sorority association, lodge, combine, federation, coterie or like organizations;
2. Any group of individuals whose association to each other is temporary and/or seasonal in nature;
3. Any group of individuals who are in a group living arrangement as a result of criminal offenses.

In R-3, R-3A, R-4, RMH-1, residential zoning districts, in the ASMU district and in the case of any non-conforming residential uses in non-residential districts, a family may consist of any of the following living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities within a dwelling unit:

1. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship. Relation by blood shall include only persons having one of the following relationships with other individual(s) residing within the same housekeeping unit: parents, grandparents, children, sisters, brothers, grandchildren, stepchildren, first cousins, aunts, uncles, nieces or nephews together with not more than three additional unrelated persons.
2. An individual or group of two or more persons related by blood, marriage or legal adoption together with not more than six minor children operating as a foster family home or group home licensed by the State of Illinois.

Farm means the carrying on of any agricultural activity or the raising of livestock or small animals as a source of income.

Fast food restaurant. See "restaurant, fast food."

Fence means a structure that is a barrier and is used as a boundary or means of protection or confinement, which is made of materials including but not limited to: wire mesh, chain link, wood or stone.

Final plat means a map of subdivision with accompanying material, intended for final approval and recording, on the basis of which land can be transferred, leased, or encumbered.
**Flood, regulatory** means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the state natural resources commission. The regulatory flood is also known by the term base flood.

**Floodplain** means the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

**Floodway** means the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**Floodway fringe** means those portions of the floodplain lying outside the floodway.

**Floor area, gross** means the sum of the gross horizontal areas of the several floors of such building or buildings measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings. In particular, "gross floor area shall include:

1. Basement space if at least one-half of the basement story height is above the average level of the finished grade at the foundation line.
2. Elevator shafts and stairwells at each floor.
3. Attic floor space where there is structural headroom of more than seven and one-half feet.
4. Interior balconies and mezzanines.
5. Enclosed porches.
6. Accessory uses.

For the purposes of determining floor area ratio, however, "Gross floor area" shall not include:

1. Basement space where more than one-half of the basement story height is below the average level of the finished grade.
2. Elevator and stair bulkheads, water tanks and cooling towers.
3. Attic floor space where structural headroom is six and one-half feet or less.
4. Floor space used for mechanical equipment where structural headroom is six and one-half feet or less.
5. Terraces, breezeways and open porches.

**Floor area ratio (FAR)** means the numerical value obtained through dividing the gross floor area of a building or buildings by the total area of the lot or parcel of land on which
such building or buildings are located.

*Fraternity or sorority* means an organization of persons which provides sleeping accommodations, with or without accessory common rooms and cooking and eating facilities, for groups of unmarried students in attendance at an educational institution; and which is recognized as a fraternity or sorority by the educational institution or national chapter.

*Frontage* means the entire length of the subject property which abuts and is parallel to a public right-of-way as measured along the right-of-way line.

*Functional family unit* means in R-1 and R-2, single family residential zoning districts, a functional family unit shall consist of a group of individuals living together in a single dwelling unit and functioning as a family with respect to those characteristics that are consistent with the purposes of zoning restrictions in single family residential neighborhoods. In determining whether or not a group of unrelated individuals is a functional family unit under this definition, the following criteria must be used.

1. The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers cannot be deemed to be occupied by a functional family unit.

2. The following factors shall be considered in determining whether a functional family unit exists:

   a. The presence of minor dependent children regularly residing in the household;

   b. Proof of the sharing of expenses for food, rent or ownership costs, utilities and other household expenses and sharing in the preparation, storage and consumption of food;

   c. Whether or not different members of the household have the same address for the purposes of voter registrations, drivers’ licenses, motor vehicle registrations, summer or other residences and the filing of taxes;

   d. Common ownership of furniture and appliances among the members of the household;

   e. Enrollment of dependent children in local schools;

   f. Employment of the householders in the local area;

   g. A showing that the household has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units;

   h. Any other factor reasonably related to whether or not the group or persons in the functional equivalent of a family.

*Garage, private* means an accessory building housing not more than four
motor vehicles, not more than one of which may be a commercial vehicle but of not more than one and one-half tons capacity, for the use of the occupants of the lot on which the garage is located, or for others not transients, and at which automobile fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.

Garage, public means any garage or structure other than a private garage, or one available to the public, operated for gain, or used for storage, repair, rental, adjusting, selling or equipping of automobiles or other motor vehicles.

Gas station. See “vehicle service station.”

Grade means the ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls for the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Grade, average means the average of the elevation of the ground for each face of the building or structure.

Grade, finished means the level of the ground adjacent to the building or structure.

Group home means a dwelling shared by four or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. Group homes for the disabled shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Height, building means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deckline of mansard roofs; and to the average height of the eaves and ridge for gable, hip, and gambrel roofs.
**Height, structure** means the vertical distance to the highest point of the structure measured from the natural grade, except buildings, for which height is defined in "height, building."

**Home occupation** means any use conducted entirely within a dwelling and participated in solely by members of the family residing therein, such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

**Homeless shelter—Interim/intermittent:** A facility utilized, in part, to provide temporary housing as an accessory use, including meals and sleeping arrangements, for displaced and/or homeless persons but not for persons currently receiving active treatment for, or presently suffering from, the effects of alcoholism or drug addiction or who are convicted of a sexually related offense, or who are currently receiving treatment for a sexually related offense, or a person who is on a registered sexual offender list or has been convicted of a violent crime. A homeless shelter shall provide a minimum of 50 sq. ft. of floor space per person served and/or bed or sleeping space provided; shall have at least one staff person on-site for every seven persons served; and shall operate only during the hours of 5:00 p.m. to 12:00 noon for not more than three days/week. Institutional uses in B-2, R-4, O/I, M-1 or M-2 zoning districts shall not be required to exclude persons with alcohol or drug abuse issues as previously stated within this definition.

**Homeless shelter—Permanent:** A facility utilized primarily to provide housing, including meals and sleeping arrangements on a long term basis, for displaced and/or homeless persons, but not for persons who are convicted of a sexually related offense, or who are currently receiving treatment for a sexually related offense, or a person who is on a registered sexual offender list, or a person who has been convicted of a violent crime. A permanent homeless shelter shall provide a minimum of 50 sq. ft. of floor space per person served and/or bed or sleeping space provided; shall have at least one staff person on-site for every seven persons served; and shall operate for more than 120 consecutive calendar days and/or more than three days/week for a minimum of 12 hours each day.

**Hospital** means an in-patient medical institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, and care of individuals suffering from illness, disease, injury, deformity or other abnormal physical or mental condition.

**Hotel** means a building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, linen service, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

**Jurisdiction** means the incorporated territory of the city and its contiguous area.

**Kennel, commercial** means any lot or premises on which three or more dogs, cats, or other household pets are either permanently or temporarily boarded for pay.

**Laboratory** means a place devoted to experimental study such as testing and analyzing. Manufacturing of produce or products is not to be permitted within this definition.

**Landmark** means any structure which:
(1) Has historic significance;

(2) Represents one or more periods or styles of architecture typical of one or more eras important to the city's history;

(3) Has been designated as a landmark pursuant to this chapter.

**Landmark district** means any area that contains structures which:

(1) Have historic significance;

(2) Represent one or more periods or styles of architecture typical of one or more eras in the city's history, or represent an assemblage of structures important to the city's history;

(3) Cause such area, by reason of such factors, to constitute an identifiable area; and

(4) Have been designated as a landmark district pursuant to this chapter.

**Landscaping** means the aesthetic improvement of property through the installation of plant materials, berming, walls and fences, and other decorative elements.

**Landscape area** means that portion of a lot devoted exclusively to landscaping, except that streets, drives and sidewalks may be located within such area to provide reasonable access.

**Landscape buffer** means a continuous landscaped area designed, maintained and used for screening and separation of districts, lots, or buildings.

**Large lot development** means a development in which all lots are at least one acre in size.

**Line of sight** means a clear line of vision at an intersection.

**Lodging/boarding/rooming house:** A structure occupied by at least five but not more than 12 individuals renting individual rooms for pre-arranged periods of time but for not less than a minimum of 30 consecutive days. The structure may contain shared bathroom facilities but must contain common entrance/exit ways and a common kitchen area for cooking and dining within the same structure.

**Loading space** means an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot** means a parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

**Lot, corner** means a lot where the interior angle of two adjacent sides at the
intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 130 feet, and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 133 degrees.

**Lot, interior** means any lot other than a corner lot.

**Lot, nonconforming** means a lot which lawfully existed at the effective date of this chapter or amendments thereto, and that does not conform to the area, width, or other regulations of the district in which it is located.

**Lot, through** means any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

**Lot, zoning** means a single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owners or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county recorder, but may include one or more lots of record.

**Lot area** means the total horizontal area within the lines of the lot.

**Lot coverage** means the part or percent of the lot occupied by buildings including accessory buildings.

**Lot coverage ratio pervious/impervious** means the numerical value (percentage) obtained through dividing the gross square footage area of all impervious surfaces including streets, sidewalks, parking facilities, rooftops etc. by the total gross area of the lot or parcel of land upon which such impervious areas are located.

**Lot depth** means the horizontal distance between the front and rear lot lines, measured along the median between the side of lot lines.

**Lot lines** means the lines bounding a lot as defined herein:

(1) Front lot line means any line that separates the
lot from any street;

(2) Rear lot line means on an interior lot the rear lot line is the line opposite the front; on a corner lot one rear lot line is to be designated; on a through lot, no rear lot line is required;

(3) Side lot line means any lot line other than a front or rear lot line.

Lot of record means a parcel of land, the dimensions of which are shown on a document or map on file with the county recorder or in common use by the municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot width means the horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Manufactured home means a building, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width of 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For purposes of this chapter, manufactured homes specifically include mobile homes but specifically exclude modular systems.

Medical cannabis cultivation center: A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only medical cannabis dispensing organizations with usable medical cannabis.

Medical cannabis dispensing organization: A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients.

Medical office means facility from which an individual or group of doctors offers outpatient services.

Mini-warehouse. See "storage facility, self-service."

Mezzanine means an intermediate floor in any story occupying not more than one-third of the floor area of such story.

Mobile home park means any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes are located.

Mobile structure means a factory assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its own running gear and designed to be used with or without a permanent foundation. Mobile structure does not include manufactured homes, but does include a mobile construction office trailer.

Modular system means a building assembly or system of building
sub-assemblies, designed for habitation, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation.

**Motel** means a building or a group of detached, semidetached or attached buildings containing guest rooms or dwelling units each of which, or each pair of which has a separate entrance leading directly to the outdoors or to a common hallway, with garage or parking space conveniently located to each unit, and which is designed, used or intended to be used primarily for the accommodation of motor vehicle transients.

**Nonconformities.** See "building, nonconforming," "lot, nonconforming," "structure, nonconforming," and "use, nonconforming."

**Nursery, plant material** means a space, building, or structure, or combination thereof for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this chapter does not include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.

**Nursing home.** See "convalescent, nursing, or rest home."

**Office** means a building or portion of a building where services are performed involving primarily administrative, professional, or clerical operations.

**Office park** means a large tract or land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, and aesthetics.

**Open sales lot** means a principal or accessory use involving the selling of merchandise not contained within an enclosed building.

**Open space** means that portion of a lot or tract intended for recreational use or as landscaping.

**Open space, common** means open space accessible to either the general public or to multiple owners/tenants. Such space is generally maintained by agreement of persons utilizing the space.

**Ordinance** means a document containing regulations written either to stand on their own or as an amendment to an existing ordinance which, when adopted by the council, becomes legally binding.

**Ordinance, zoning** means this title of the Macomb Municipal Code and its accompanying zoning map.

**Outdoor dining** means dining out of doors as an accessory use to an indoor restaurant.

**Outdoor storage** means the keeping of property in the open area of a lot. For purposes of this definition, the keeping of wood or compost piles will not be considered outdoor storage.

**Overlay zone** means a zoned area defined by specific boundaries that layers
additional restrictions over the existing restrictions defined by the city zoning ordinance and map.

Owner means any person having legal or equitable title to real estate.

Park means any public or private land available for recreational, educational, cultural, or aesthetic purposes.

Parking, off-street means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than three vehicles.

Parking lot means off-street parking which is provided on an unenclosed, ground level, permanent surface.

Parking space means an area within the lot lines which is enclosed in the principal building, enclosed in an accessory building, or unenclosed; sufficient in size to store one standard automobile, and so situated as to permit ingress and egress of the automobile without moving any other parked vehicle.

Parking structure means off-street parking which is provided in an enclosed or semi-enclosed structure which may be one or more levels, and which may be located either above grade, below grade, or a combination of both.

Parkway means the ground area within the street right-of-way which is not covered by pavement or sidewalks.

Passive open space means any public or private lot (or contiguous lots) of less than 25,000 square feet in total aggregate size that is intended for use as a passive open space area. The open space shall not contain any active recreational facilities, playground equipment or totally enclosed structures.

Person means any individual, corporation, partnership, groups of persons, associations, or agent, so that where the word "person" is used it is clear that any entity subject to this zoning ordinance would be defined as a person.

Places of worship means structures and outdoor or indoor facilities used for public worship and related educational, cultural, and social activities.

Planned development means a parcel of land or contiguous parcels of land, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the environment of which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located; the developer or developers may be granted relief from specific land use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

Planning jurisdiction. See "jurisdiction."

Planning staff means employees of the office of Building and Zoning of the City of Macomb, as set out in the salary ordinance, including any work study aids or interns and employees of any other city department which may periodically provide assistance to the office of building and zoning under the supervision of the community development coordinator and
subject to the authority of the community development coordinator on matters of staff discretion.

**Plat** means a map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

**Plat officer** means an employee of the office of building and zoning of the City of Macomb, appointed by the mayor with the advice and consent of the city council whose duties include administering and enforcing the provisions of the unified development code which pertain to subdivisions found in Article IV, Division 1, Subdivision Procedure and Article V, Subdivision Standards.

**Premises (as related to signs)** means those areas upon which the business or profession is actually located, or where the commodity or service is actually offered for sale or sold, not including any easements or land leased for the purpose of a sign easement.

**Public utility** means a person, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulation to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**Recreational facility** means a building or enclosed structure containing recreational facilities, such as a tennis court, swimming pool and/or gymnasium, and operated by a government agency or as a business. This may include associated outdoor amphitheaters, tennis courts and swimming pools.

**Recreational vehicle** means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

**Recycling facility** means a facility that accepts source-sorted recyclable materials, processes those materials, and makes the materials available for use in their original form.

**Restaurant** means an establishment whose principal use is the selling of unpackaged food in a ready-to-consume state, in individual servings, and where the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service.

**Restaurant, fast food** means an establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service; or prepared and heated quickly using a device such as a grill or microwave oven. Orders are not generally taken at the customer’s table, and food is generally served in disposable wrappings or containers. Fast food restaurants may include sitdown, carryout, and drive-through services. (See also "drive-ins and drive-through establishments.")
Restaurant, carry out means a business establishment within which the primary use is prepared food and beverages, offered for sale in disposable containers and packaging for carryout.

Retail means the sale of goods directly to the consumer.

Right-of-way means a parcel of land or easement, either public or private, on which an irrevocable right-of-access has been recorded for vehicles or pedestrians or both. A public right-of-way is one which has been dedicated for public use and may include streets, alleys, or sidewalks.

Roadway means the portion of a street right-of-way available for vehicular movement. Roadway width shall be measured from back of curb to back of curb.

Row houses means a group of dwellings separated only by walls without opening between dwellings.

Salvage yard means any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or sorted, including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, except animal matter; and used motor vehicles, machinery, or equipment, which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom; including any open space, lot or real property whereon a single motor vehicle or vehicles, which do not properly bear current valid license plates and registration, or a single motor vehicle or vehicles which have been in an inoperative condition for 30 days or more, or any worn out or cast-off vehicle, or any part or parts of any of these vehicles.

Satellite dish. See "antenna."

School means a privately or publicly owned place of learning, including, but not limited to: nursery or pre-schools, elementary schools, middle schools, junior high schools, or high schools, which do not provide lodging for students or faculty (See also, "college or university").

School, trade or business means a school with a curriculum which is focused upon certain skills required in business, trades or the arts, including secretarial skills, instrumental music, dancing, barbering, hairdressing or other technical trades which require knowledge of special machinery.

Screening means a structure erected or vegetation planted for the purpose of concealing from view the area behind it.

Senior citizen housing means housing designed for and occupied by elderly persons, which provides living unit accommodations and spaces for common social and recreational activities, and which may include incidental facilities for health and nursing services.

Service station. See "vehicle service station."

Setback means the distance required to obtain minimum front, side, or rear yard open space provisions of this chapter. See "building setback, front" and "building setback,
side and rear."

**Shared interconnects.** A two-way drive between commercial properties that allows for free and unobstructed access between adjoining parking lots.

**Shopping center** means a group of retail establishments, planned and managed as a unit.

**Sign** means any display or device placed on a property in any fashion which is designed, intended, or used to convey any identification, message or information other than an address number.

**Sign, accessory** means a sign which is related to the principal use of the premises.

**Sign, nonaccessory** means a sign which is not related to the principal use of the premises.

**Sign, announcement** means a sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

**Sign, business** means a sign identifying only, the name and location of a particular business enterprise and located on the premises where the sign is displayed.

**Sign, construction** means a sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, sublot number, or other identifier of the contractor sub-contractor, and/or architect.

**Sign, directional** means a sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

**Sign, flashing** means any illuminated sign which exhibits changing light or color effects.

**Sign, home occupation** means a sign that reflects the profession, permitted home occupation, with or without the name, phone number or address of the occupant thereof.

**Sign, illuminated** means a sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

**Sign, monument** means a sign permanently attached to the ground and whose supporting structure extends less than six feet in height from the finished grade to the bottom of the sign face.

**Sign, nonconforming** means any sign lawful at the time of the enactment of this zoning ordinance, which does not comply with all of the regulations of this zoning ordinance or of any amendment hereto governing signs.
Sign, off-premises means a sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, on-premises means a name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.

Sign, permanent means a sign which is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, and illuminated signs.

Sign, pole means a sign which is supported by one or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six feet from the finished grade to the bottom of the sign face.

Signs, portable means signs, including movable readerboards, with or without flashing elements, which can be transported from one locations to another.

Sign, public information means a sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.

Sign, real estate means a sign announcing the sale, rental, or lease of the lot where the sign is displayed, or announcing the sale, rental, or lease of one or more structures, or a portion thereof, located on such lot, and identifying the owner, realty agent, telephone numbers, or "open house" information.

Sign, residential complex or subdivision means a sign containing the name of a residential complex or subdivision, with or without its accompanying address.

Sign, temporary means a sign which is designed or intended to be used for a limited time, including, but not limited to, construction signs, real estate signs, political campaign signs, and garage sale signs.

Sign area means the entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

Single housekeeping unit means a group of persons maintaining a common household, sharing kitchen facilities, utilities, and other household related expenses.

Site plan means that portion of a development plan illustrative of the circulation system, siting of buildings and landscape features.

Sorority. See "fraternity or sorority."
Special use. See "use, special."

Specified anatomical areas means any of the following:

(1) Less than completely and opaquely covered:
   a. Human genitals or pubic region;
   b. Buttocks;
   c. Female breast below a point immediately above the top of the aureole;

(2) Human genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means any of the following:

(1) The fondling or other touching of human genitals, pubic region, buttocks, or female breasts;

(2) Ultimate sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, sodomy;

(3) Masturbation; and

(4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) above.

Storage facility, self-service means a structure or group of structures containing individual storage units with access to each unit for the storage and warehousing of personal property. Such facilities do not include wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

Story means that part of a building, except a mezzanine, between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

Story, half means the uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches. For the purposes of this chapter the usable floor area is only that area having at least four feet clear height between floor and ceiling.

Street means a right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. The street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

Street, arterial, principal means a public street of large right-of-way intended primarily for moving large volumes of traffic between origin and destination within a region.

Street, arterial, secondary means a public street of moderate right-of-way intended primarily for moving moderate volumes of traffic between origin and destination within a region.
Street, collector, principal means a public street of moderate right-of-way intended to collect traffic generated by local streets and carry it to arterials.

Street, collector, secondary means a public street of smaller right-of-way intended to collect traffic generated by local streets and carry it to arterials.

Street, local means a public street intended for access to abutting properties.

Street, marginal access means local streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

Street, private means a paved area other than a driveway, located on private property for the purpose of providing vehicular or pedestrian access to and within that property. (See also, "drive" and "driveway")

Street, public means a public way for purposes of vehicular or pedestrian travel, including the entire area within the right-of-way.

Structure means anything constructed or erected, that use of which required permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

Structure, accessory means a structure customarily incidental and subordinate to and located on the same lot with a principal building or structure.

Structure, nonconforming means a structure lawfully existing at the time of adoption of this chapter, or any amendment thereto and which does not conform to the regulations of the district in which it is located. See also "building, nonconforming," "lot, nonconforming," and "sign, nonconforming," and "use, nonconforming."

Structure, principal. See "building, principal."

Structure, temporary. See "use, temporary."

Structure height. See "height, structure."

Subdivider means any person engaged in developing or improving a tract of land which complies with the definition of subdivision.

Subdivision means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development. Division of land for agricultural purposes into lots or parcels of three acres or more and not involving a new street shall not be deemed a subdivision. When appropriate to the context, the term "subdivision" shall relate to the process of subdividing or to the land subdivided.

Swimming pool means a permanent or semi-permanent structure used for recreational swimming or bathing that is located either below ground level, above ground level or a combination thereof.

Temporary use or structure. See "use, temporary."

Thoroughfare means a public right-of-way intended for the effective movement
of pedestrian and vehicular traffic.

**Townhouse** means a building having three or more dwelling units arranged side by side, each occupying an exclusive vertical space without another dwelling unit above or below, and each of which has at least one exterior entrance.

**Unified development ordinance.** See "ordinance, unified development."

**Use** means the principal purpose for which land or a building is arranged, designed, or intended, or for which land or other buildings is or may be occupied.

**Use, accessory** means a use customarily incidental and subordinate to and located on the same lot with a principal use. See also "structure, accessory."

**Use, conditional.** See "use, special."

**Use, existing** means any use of a parcel of land or structure which exists on the effective date of this chapter.

**Use, nonconforming** means a use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter derives, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**Use, permitted** means a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

**Use, principal** means the main use to which the premises are devoted and the principal purpose for which the premises exist. See also "building, principal."

**Use, special** means a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts unless authorized by the mayor and city council after a public hearing and recommendation by the planning commission. Such special use shall be subject to any requirements the planning commission and/or city council feel necessary to further the purpose of this chapter as stated in Article I, section 17-2. Any use shall expire at any time the permitted special use lapses for a period in excess of 12 months.

**Use, special—accessory:** An accessory special use means a special use customarily incidental and subordinate to and located on the same lot with the principal special use. Such use, either public or private, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts unless authorized by the mayor and city council after a public hearing and recommendation by the planning commission. Such accessory special use shall be subject to any requirements the planning commission and/or city council feel necessary to further the purpose of this chapter as stated in Article I, section 17-2. Any use shall expire at any time the permitted accessory special use lapses for a period in excess of 12 months. AS* - All uses listed under the "Institutions" category of Appendix A, Use Matrix when allowed by right, special use or by grandfathered status shall be entitled to apply for an accessory interim/intermittent homeless shelter special use regardless of the underlying zoning district. Those institutional uses located in B-2, R-4, O/I, M-1 or M-2 zoning districts shall be allowed to apply for either accessory special use interim/intermittent or permanent homeless shelters.
Use, temporary means a use or structure permitted by the board of zoning appeals to exist during a specified period of time.

Utility substation means a mechanical unit, owned by a utility company, which is necessary at some locations to facilitate utility services.

Variance means a modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to the circumstances unique to the individual property on which the variance is granted and where such variance will not be contrary to the public interest. The crucial points of variance are:

1. Undue hardship;
2. Unique circumstances; and
3. Applying to property.

A variance is not justified unless all three elements are present in the case. A variance is not an exception.

Vehicle repair shop means any building or premises where the principal use includes engine repair or rebuilding; other repair, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; and overall painting and undercoating of automobiles.

Vehicle service station means any building or premises where the principal use is the dispensing, sale or offering for sale at retail of any automobile fuel or oils.

Vehicle wrecking yard. See "salvage yard."

Walkway/bikeway means a way across or within a block for use by pedestrian and bicycle traffic, which shall include but not be limited to sidewalks and crosswalks.

Wholesale means the sale of goods in quantity to persons who purchase for the purpose of resale.

Warehousing means the safekeeping of property, either for later use or for resale, within enclosed buildings.

Wetland means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Yard, front or corner side means the space within a lot or tract that occupies the area between the exterior wall line of a structure and the adjacent street right-of-way line extending in a perpendicular manner to the boundary lines of the lot or tract. In no case however, shall the front yard or corner side yard measure less than 12 feet for expansions or additions to existing non-conforming structures or lots, or more than the front yard minimum as listed within the Bulk Matrix Appendix B for the zoning district in which the lot is located.

Yard, interior side means an open unoccupied space on the same lot with a main building situated between the side line of the building and adjacent side line of the lot and
extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be [at] the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be at the rear line of the lot.

**Yard, rear** means an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot, or the centerline of the alley, if there be an alley, and the rear line of the building.

**Yard, required** means the minimum yard required between a lot line and a setback line by the applicable provisions of this zoning ordinance. Same as "setback."

**Zoning enforcement officer** means a staff member of the office of building and zoning who is designated by the community development coordinator or the city council to hear complaints, make inspections, and take action to enforce the provisions of this chapter.

**Zoning map** means a map entitled City of Macomb, Illinois, Zone Map, dated [date of map adoption], and any amendments thereto.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2781, § 3, 2-1-99; Ord. No. 2851, § 1, 12-17-01; Ord. No. 2943, § 2, 12-5-03; Ord. No. 06-34, § 2, 8-21-06; Ord. No. 07-27, § 2, 7-17-07; Ord. No. 10-07, § 2, 3-15-10; Ord. No. 10-25, § 2, 7-19-10; Ord. No. 11-02, § 3, 1-3-11; Ord. No. 12-43, § 3, 8-6-12; Ord. No. 13-49, § 2, 12-2-13; Ord. No. 14-02, § 2, 1-6-14; Ord. No. 14-33, § 2, 8-18-14)

**Secs. 17-43—17-55. Reserved.**

**DIVISION 2. RULES FOR INTERPRETING THIS CHAPTER**

Sec. 17-56. Applicability.

Sec. 17-57. Interpretation.

Sec. 17-58. Transition rules.

Sec. 17-59. Interference or conflict with other provisions.

Sec. 17-60. Severability.

Secs. 17-61—17-70. Reserved.

**Sec. 17-56. Applicability.**

(a) This chapter shall be effective within the corporate limits of the City of Macomb and its contiguous area as defined herein.

(b) After the effective date of this chapter, no buildings, structures, uses of land, lots of record or zoning lots shall be established, altered, moved, divided or maintained except in accordance with the provisions of this chapter. Existing buildings, structures and uses of land that do not comply with the regulations of this chapter are pursuant to Article II, Division 3,
Sec. 17-57. Interpretation.

The city planning commission has given careful consideration to the future probable use of land in the area affected by this chapter, and has had prepared "The Comprehensive Plan of Macomb, Illinois," showing the future development of this area, which has served as a guide for the interpretation of this chapter. All general provisions, terms, phrases, and expressions contained in this chapter shall be liberally construed in order that the intent of the city council may be fully carried out. These provisions shall be held to be the minimum requirements for the promotion of the public peace, health, safety, morals, convenience, comfort, prosperity and general welfare.

For the purposes of this chapter, the following additional rules of interpretation shall apply:

(1) In the event of a conflict between the text of these provisions and any caption, figure, illustration, table, or map; the text of these provisions shall control;

(2) Word usage shall be governed by the standards of Article II, Division 1, section 17-41, Rules of Word Usage.

Sec. 17-58. Transition rules.

In determining the applicability of this chapter with respect to the previously applicable zoning regulations, the following rules shall apply:

(1) Pending permits and licenses. No permit for the erection or placement of any building or structure, or license or permit for the conduct of any use, shall be issued for a period of three months after the question of amending the zoning ordinance in a manner which would prohibit the proposed use or structure has been referred by the city council to a board or commission to hold a public hearing on the question of adopting such amendment. If final action by the city council is not taken on the question within three months of the time the matter is so referred, the permit shall be issued. If within such three month period the city council shall pass an ordinance amending the zoning ordinance so as to prohibit such a use or structure, no such permit shall be issued.

(2) Previously issued permits and licenses. If a permit for any such building or structure, or a license for the conduct of any such business or use, has been issued prior to such reference, but the business or use has not been established, or no substantial part of the construction has been completed at the time of such reference, such license or permit shall be suspended and no action taken thereunder for a period of three months after the question of amending the zoning ordinance has been so referred. If final
action by the city council is not taken on the question within three months of the
time of reference, the rights under the permit or license may be exercised. If
within such three-month period the governing body of the municipality shall pass
an ordinance prohibiting the use of building or structure on the site involved
such prohibition shall be applicable to the holder of such permit or license.

(3) *Existing permitted uses as conditional uses.* When a lot is used for a purpose classified as a permitted use prior to the
effective date of this chapter, and such use is classified as a "conditional use"
by this chapter, such use shall be deemed a lawful conditional use for the
purpose of this chapter.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-59. Interference or conflict with other provisions.

It is not the intent of this chapter to interfere with or abrogate, or annul any
easements, covenants, or other agreements between parties, nor to interfere with, or abrogate
or annul any ordinances, rules, regulations or permits previously adopted or issued, and not in
conflict with any provisions of this chapter, or which shall be adopted or provided, except, that
where this chapter imposes a greater restriction upon the use of buildings or land, or upon the
height of buildings, or requires larger open spaces or greater lot area per family, than are
required or imposed by such easements, covenants, or agreements between parties, or by
such ordinances, rules, regulations or permits, the provisions of this chapter shall control.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-60. Severability.

If any section or part thereof of this chapter shall be held to be unconstitutional
by a court of competent jurisdiction, the remainder of the provisions hereof shall be deemed to
continue in full force and effect.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-61—17-70. Reserved.

DIVISION 3. NONCONFORMITIES

Sec. 17-71. Purpose.

Sec. 17-72. Registration of a nonconforming use.

Sec. 17-73. Existing nonconforming lots, uses, and structures.

Sec. 17-74. Changes or replacement of a nonconforming use.

Sec. 17-75. Expansion, relocation, restorations, repair or reconstruction.

Sec. 17-76. Exemptions allowing restorations, alterations, reconstruction and repairs.

Sec. 17-77. Termination of nonconforming uses.
Sec. 17-71. Purpose.

It is recognized that there exists within the districts established by this chapter lots, uses and structures which were lawful before this chapter was adopted, but which would be prohibited, restricted or regulated under the terms of this chapter or future amendments. Such uses are declared by this chapter to be incompatible with permitted uses in the district involved. It is the intent of this section to permit such legal nonconforming uses in the district involved, but not to encourage their survival. It is further the intent of this chapter that such nonconformities shall not be expanded, improved, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-72. Registration of a nonconforming use.

In order to protect the legal nonconforming status of a nonconforming lot, use or structure, a person who owns a nonconforming lot, use, or structure may register the nonconformity with the community development coordinator on a form available in the office of building and zoning.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-73. Existing nonconforming lots, uses, and structures.

Any 1) platted lot, 2) use of lot or structure, 3) location of a structure on a lot, or 4) design of any structure, which lawfully existed on the effective date of this chapter, may be continued even though such lot, use, location, or design does not conform to the regulations of this chapter for the district in which it is located. However, no changes of use, expansions or relocations of a use or structure, or restorations, alterations, and repairs of any structure shall be made except as otherwise provided herein. There may be a change of tenancy, ownership or management of any existing nonconforming lots, uses, or structures, but such lots, uses, and structures shall continue to be considered nonconforming.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-74. Changes or replacement of a nonconforming use.

(a) Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use, and shall thereafter conform to the regulations for the district in which it is located.

(b) A nonconforming use or a like replacement use or premises may continue except as provided in sections 17-75, 17-76, and 17-77 of this division. A "like replacement" shall be one which, in the determination of the zoning administrator, is very similar or more compatible with the predominant conforming uses adjacent to and in the general vicinity of the
Sec. 17-75. Expansion, relocation, restorations, repair or reconstruction.

(a) Nonconforming uses. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this chapter.

(b) Nonconforming uses and structures in combination. Any nonconforming use may be extended throughout any part of a nonconforming structure in which it is located, but no such use shall be extended to occupy any land outside such building.

(c) Nonconforming structures.

1. A nonconforming structure shall not be extended in a way to increase the amount or degree of bulk regulation nonconformity than was occupied at the effective date of this chapter. Such structures may be enlarged or altered in a way which does not increase their respective nonconformities.

2. Should any nonconforming structure be moved for any reason for any distance whatever, it shall there after conform to the regulations for the district in which it is located after it is moved.

3. When a lot and/or structure accommodating a nonconforming use is damaged or altered by fire, explosion, wind, neglect, deterioration, acts of God, or by any other voluntary or involuntary natural or man-made causes, to the extent of more than 50 percent of its fair market value, it shall not be restored, repaired or reconstructed except in conformity with the use and bulk regulations and development standards of the zoning district in which the lot and structure is located.

Sec. 17-76. Exemptions allowing restorations, alterations, reconstruction and repairs.

A nonconforming structure may not be reconstructed or structurally altered to an extent exceeding 50 percent of the current fair value of the building except as otherwise provided below:

1. Use of structure changed from nonconforming to conforming. A nonconforming structure may be altered beyond the
limitations prescribed above if such structure houses a nonconforming use which, by virtue of the structural alterations, is being changed to a conforming use.

(2) Relocation or moving of a nonconforming structure or use due to the actions or a taking by a unit of government shall be permitted without variance to the extent that the movement or relocation is the minimum action necessary to offset and mirror the aforementioned, applicable governmental action.

(3) Variance granted by board of zoning appeals. A nonconforming structure specifically designed for a nonconforming use may be reconstructed or altered beyond the limitations provided herein in subsection 17-75(c) pursuant to the granting of a variance by the board of zoning appeals. A variance may also be granted by the board of zoning appeals for a relocation or movement of a nonconforming structure or use when it is due to the actions or taking by a unit of local government and the relocation or movement exceeds the minimum action necessary to offset such action.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 12-55, § 4, 10-1-12; Ord. No. 13-06, § 3, 2-4-13)

Sec. 17-77. Termination of nonconforming uses.

(a) Abandonment or removal. A nonconforming use shall be deemed abandoned when it has been replaced by a conforming use or when the nonconforming use has ceased and has not been resumed for a continuous period of one year. The subsequent use shall conform to the regulations specified by this chapter for this district in which such land is located. An abandoned nonconforming use shall not be reestablished unless authorized by the mayor and city council after a public hearing, due process and consideration and recommendation by the planning commission in compliance with special use permit regulations.

(b) Amortization of nonconforming uses.

(1) Reserved.

(2) Reserved.

(3) Nonconforming single-family rental housing units in the R-4, multiple-family zoning district, may continue to be occupied by up to six unrelated individuals indefinitely. Any single-family owner occupied housing unit in the R-4 zoning district converted to a rental housing unit after the enactment of this chapter must meet the definition of "family" in article II, division 1, section 17-42 of this chapter.

(c) Protection of historic structures and uses. A structure or use of the land that has been declared historic or significant by the National Park Service, the Illinois State Historic Preservation Agency, or the City of
Macomb Historic Preservation Commission and City Council shall be exempt from the provisions of this division unless a particular hazard is represented by such structure or land us.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-28, § 2, 8-7-07; Ord. No. 12-55, § 5, 10-1-12; Ord. No. 13-04, § 2, 1-22-13)

Secs. 17-78—17-90. Reserved.

ARTICLE III. ADMINISTRATIVE BODIES AND OFFICIALS

DIVISION 1. CITY COUNCIL

Sec. 17-91. [Generally.]

Secs. 17-92—17-100. Reserved.

Sec. 17-91. [Generally.]

The city council:

(1) Takes such actions as necessary to plan for the future development of the city;

(2) Approves or disapproves any application for an amendment to this chapter;

(3) Approves or disapproves any application for a special use permit, including an application for a planned unit development;

(4) Takes such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this chapter or as conferred by Constitutional Laws of the State of Illinois and the Charter of the City of Macomb.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-92—17-100. Reserved.

DIVISION 2. PLANNING COMMISSION

Sec. 17-101. Establishment; powers and limitations.

Sec. 17-102. Membership and organization.

Sec. 17-103. Meetings, hearings, rules, and records.

Secs. 17-104—17-115. Reserved.
Sec. 17-101. Establishment; powers and limitations.

The planning commission is hereby established and given its authority within the laws of the State of Illinois and by ordinance of the city council. The planning commission shall have the following powers and duties:

(1) To initiate, hear, review, and approve or disapprove applications for amendments to this development ordinance and zoning map.

(2) To hear, review, and approve or disapprove applications for special use permits, including applications for planned unit developments.

(3) To prepare and participate in and to make recommendations to the city council for adopting an official strategic plan or similar plans for the city, and from time to time to recommend to the council such amendments as it may deem appropriate.

(4) To aid and assist the city council and the departments of the city in implementing the city’s adopted land use policies and in planning, developing, and completing specific projects.

(5) To review and report on any matters referred to it by the city council.

(6) To make its special knowledge and expertise available to any official, department, board, or commission of the city to aid them in the performance of their respective duties relating to the planning and development of the city.

(7) To review, hear and make decisions upon applications for the subdivision of land.

(8) To review and make recommendations to the city council regarding improvements to public land.

(9) To hold public hearings upon any of the issues which fall within their authority and jurisdiction to consider.

(10) To recommend to the city council that the council should revoke special use permits if the established conditions for the special use permit are violated.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-102. Membership and organization.

(a) The planning commission shall consist of 13 members appointed by the mayor and confirmed by the city council, each for a three-year term. Three members of the planning commission shall reside outside the city and within the extraterritorial one and one-half mile zoning jurisdiction.
(b) One member of the commission shall be appointed chairperson by the mayor and confirmed by the city council. The chairperson shall hold office until his or her successor is appointed.

(c) Members of the planning commission may be compensated as per ordinance of the city council.

(d) Members of the planning commission may be removed from office for cause by the city council.

(e) Vacancies on the planning commission shall be filled for the unexpired term of the commission member whose seat is vacant by appointment of the mayor, with the confirmation of the city council.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2781, § 2, 2-1-99)

Sec. 17-103. Meetings, hearings, rules, and records.

(a) Meetings of the planning commission shall be held at the call of the chairperson, or any two members, or at such times as the Commission may determine.

(b) All hearings conducted by the commission shall be open to the public.

(c) The commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the commission shall be filed immediately in the office of the board and shall be a public record.

(d) The commission shall adopt its own rules of procedure not in conflict with this chapter or with the Illinois Statutes.

(e) No hearing shall be conducted without at least six members of the commission being present.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-104—17-115. Reserved.

DIVISION 3. BOARD OF ZONING APPEALS

Sec. 17-116. Establishment; powers and limitations.

Sec. 17-117. Membership and organization.

Sec. 17-118. Meetings, hearings, rules, and records.

Secs. 17-119—17-130. Reserved.
Sec. 17-116. Establishment; powers and limitations.

The board of zoning appeals is hereby established and given its authority within the laws of the State of Illinois and by ordinance of the city council. The board of zoning appeals shall have the following powers and duties:

(1) To hear and decide appeals from, and to review orders, decisions, or determinations made by, the community development coordinator.

(2) To hear and decide upon applications for variances from the requirements of this chapter.

(3) To hear and decide all matters referred to it by the city council.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-117. Membership and organization.

(a) The board of zoning appeals shall consist of seven members appointed by the mayor, and confirmed by the city council, each for a five-year term.

(b) One member of the board shall be appointed chairperson by the mayor and confirmed by the city council. The chairperson shall hold office until his or her successor is appointed.

(c) Members of the board of zoning appeals may be compensated as per ordinance of the city council.

(d) Members of the board of zoning appeals may be removed from office for cause by the city council.

(e) Vacancies on the board of zoning appeals shall be filled for the unexpired term of the board member whose seat is vacant by appointment of the mayor, with the confirmation of the city council.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-118. Meetings, hearings, rules, and records.

(a) Meetings of the board of zoning appeals shall be held at the call of the chairperson, or any two members, or at such times as the board may determine.

(b) All hearings conducted by the board of zoning appeals shall be open to the public.

(c) The board of zoning appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings
and other official actions. Findings of fact shall be included in the minutes of each case of a requested variation, and the reasons for granting or denying such application shall be specified. Every rule or regulation, and every order, requirement, decision or determination of the board shall be filed immediately in the office of the board and shall be a public record.

(d) The board of zoning appeals shall adopt its own rules of procedure not in conflict with this chapter or with the Illinois Statutes.

(e) No hearing shall be conducted without at least four members of the board of zoning appeals being present. The concurring vote of at least four members of the board shall be necessary to reverse any order, requirement, decision, or development of the community development coordinator or zoning enforcement officer, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-119—17-130. Reserved.

DIVISION 4. COMMUNITY DEVELOPMENT COORDINATOR

Sec. 17-131. [Generally.]

Secs. 17-132—17-140. Reserved.

Sec. 17-131. [Generally.]

The community development coordinator shall be charged with the administration of this chapter and, in particular, shall have the jurisdiction, authority, and duties described below:

(1) To meet with and counsel those persons maintaining an interest in this chapter, other questions of land use, and related city plans and policies.

(2) To conduct zoning compliance reviews regarding any permit pertaining to the use of land, buildings or structures.

(3) To issue permits for temporary uses requiring administrative approval.

(4) To conduct other administrative approvals as provided by Article IV, Division 8, of this development ordinance.

(5) To review any site plans submitted for such review, and to make decisions or recommendations, as appropriate, to the planning commission on such site plans.

(6) To make written interpretations of specific provisions of this chapter.
(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-132—17-140. Reserved.

DIVISION 5. PLAT OFFICER

Sec. 17-141. [Generally.]

Secs. 17-142—17-150. Reserved.

Sec. 17-141. [Generally.]

The plat officer shall be a city employee in the building and zoning office. The plat officer shall have the power and duty to administer and enforce all subdivision regulations of Article IV, Division 1, Subdivision Procedure and Article V, Subdivision Standards.

The plat officer must be qualified by professional or practical training and experience to conduct the affairs and carry out the duties of that office.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2895, § 1, 11-18-02)

Secs. 17-142—17-150. Reserved.

DIVISION 6. RESERVED

Secs. 17-151—17-180. Reserved.

Secs. 17-151—17-180. Reserved.

ARTICLE IV. ADMINISTRATIVE PROCEDURES

DIVISION 1. SUBDIVISION PROCEDURE

Sec. 17-181. General provisions.

Sec. 17-182. Sketch plan.

Sec. 17-183. Preliminary plat.

Sec. 17-184. Final plat.

Sec. 17-185. Assurance of completion and maintenance of improvements.

Sec. 17-186. Submission, signing and recordation of subdivision plat.

Secs. 17-187, 17-188. Reserved.
Sec. 17-181. General provisions.

(a) Outline of procedure. The subdivision procedure involves three principal steps: 1) sketch plan, 2) preliminary plat, and 3) final subdivision plat.

(b) Coordination of planned development application with subdivision approval. It is the intent of these regulations that subdivision review be carried out simultaneously with the review of planned unit development applications under this Code. The plans required for planned development applications shall be submitted in a form to satisfy the requirements of the subdivision regulations.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-182. Sketch plan.

(a) Application procedure and requirements. Before preparing the sketch plan for a subdivision, the applicant shall schedule an appointment and meet with the plat officer to discuss the procedure for approval of a subdivision plat and also the requirements as to site design, infrastructure improvements, the reservation of land, the availability of existing services, and any other factors so designated in Article V of this development ordinance. The plat officer shall also advise the applicant, when appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

(b) Contents of application.

(1) General subdivision information shall describe or outline the existing condition of the site and the proposed development as necessary to supplement the drawings required below. This information may include data on existing covenants, land characteristics, and available community facilities and utilities; and information describing the subdivision proposal; such as number of residential lots, typical lot width and depth, price range, proposed protective covenants and proposed utilities and street improvements.

(2) A location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location; existing main traffic arteries; title; scale; north arrow and date.

(3) The sketch plan shall show in simple sketch form the proposed layout of streets, lots, infrastructure and other features relating to existing conditions. The sketch plan may be a freehand pencil sketch, but shall include such data as the plat officer determines is necessary for his consideration of the proposed sketch plan.
Sec. 17-183. Preliminary plat.

(a) Application procedure and requirements.

(1) Following the submission of a sketch plan as described in section 17-182, above, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in subsection (b) of this section. The preliminary plat shall be prepared by a land surveyor licensed in the State of Illinois and shall comply in all respects with the sketch plan.

(2) Four copies of the preliminary plat and supplementary material specified shall be submitted to the plat officer with written application for preliminary plat approval at least ten days prior to the meeting at which it is to be considered.

(b) Contents of application.

(1) Existing conditions. The preliminary plat shall be at a scale not smaller than 100 feet to one inch and shall show all existing conditions as follows:

   a. Boundary line: Bearings and distances.

   b. Easements: Location, width and purpose.

   c. Streets on and adjacent to the tract: Name and right-of-way width and location; type, width and elevation of surfacing; and centerline elevations; walks, curbs, gutters, culverts, etc.

   d. Utilities on and adjacent to the tract: Location, size, and invert elevation of sanitary, storm and combined sewers, location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and streetlights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers.

   e. Ground elevations on the tract, based on the datum plane approved by the plat officer, shown at one foot intervals.

   f. Subsurface conditions on the tract, if required by the plat officer: Location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a
depth of five feet; location and results of soil percolation tests, if individual sewage disposal systems are proposed in conformance with Article 5, Division 5.

g. Other conditions on the tract: Watercourses, marshes, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features.

h. Other conditions on adjacent land: Approximate directions and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land. For adjacent platted land refer to subdivision plat by name; recordation date, and number.

i. Zoning on and adjacent to the tract.

j. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.

k. Title and certificates: Present tract designation according to official records in office of recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered surveyor, date of survey.

(2) Proposed improvements. In addition to the existing conditions required in subsection (1), the preliminary plat shall be accompanied by preliminary plans including the following:

a. Streets: names; right-of-way and pavement width; approximate grades and gradients; similar data for alleys, if any.

b. Sidewalks: location and width.

c. Other rights-of-way or easements; location, width and purpose.

d. Location of proposed utilities, if not shown on other exhibits.

e. Lot lines, lot numbers and block numbers.

f. Sites, if any, to be dedicated for parks, playgrounds, or other public uses.

g. Sites, if any, for multifamily
dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.

h. Minimum building setback lines.

i. Site data, including number of residential lots, typical lot size, and acres in parks, etc.

j. Title, scale, north arrow, and date.

k. Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision typical cross sections of the proposed grading; roadway; and preliminary plan of proposed sanitary and stormwater sewers with grades and sizes indicated. MI elevations shall be based on a datum plane approved by the plat officer.

(3) Other permits and certificates. For plats that will be installing individual septic systems, a letter shall be required which shall be signed by the health department and which shall certify that the applicable land is suitable for septic systems.

(4) Existing covenants and restrictions. The plat may be accompanied by a draft of the restrictive covenants (if any) whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

(c) Preliminary plat approval.

(1) The commission shall approve, conditionally approve, or disapprove the preliminary plat within 40 days from the official submission date. If the approval is a conditional approval, the commission shall state the necessary conditions. If the plat is disapproved, the commission shall express the reasons for the disapproval. Before the commission approves a preliminary plat showing park reservation or land for other city use that is proposed to be dedicated to the city, the commission shall obtain approval of the park or land reservation from the Macomb Park District. If the planning commission disapproves the proposed subdivision, the applicant may execute an appeal pursuant to Article IV, Division 10, Appeals.

(2) The plat officer shall note on two copies of the preliminary plat the action of the commission, the date of approval, conditional approval, or disapproval; and the reasons therefore. One copy shall be returned to the subdivider and the other retained by the plat officer.

(3) Approval of the preliminary plat shall not constitute approval of the final plat. Rather it shall be deemed an
expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the city council and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any.

(d)  

Standards for approval of preliminary plats. No preliminary plat of a proposed subdivision shall be approved by the planning commission unless the applicant proves by reasonable evidence that:

1. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

2. If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;

3. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;

4. The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws and regulations;

5. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;

6. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

The planning commission is authorized to disapprove the preliminary plat even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the comprehensive plan.

(e)  

Effective period of preliminary plat approval. If a final subdivision plat is not submitted for approval within one year from the approval date of the preliminary plat, the applicant may be required to submit a new plat for review subject to this development ordinance as it may hereafter be amended.

(f)  

Amendments to preliminary plats. At any time after preliminary plat approval, and before submission of a final plat, the applicant may request of the plat officer that an amendment be made in the approval or conditional approval of the preliminary plat. Under regulations established by the
planning commission, the plat officer may agree to proposed amendments that are deemed to be minor. If the proposed amendment is major, the planning commission shall hold a public meeting on the proposed major amendment in accordance with the same requirements for preliminary plat approval found in this section 17-183 of this chapter. Any public meeting on a proposed major amendment shall be limited to whether the proposed major amendment should or should not be approved. The commission shall approve or disapprove any proposed major amendment and may make any modifications in the terms and conditions of preliminary plat approval reasonably related to the proposed amendment. If the applicant is unwilling to accept the proposed major amendment under the terms and conditions required by the commission, the applicant may withdraw the proposed major amendment. A major amendment shall include, but is not limited to any amendment that results in or has the effect of: 1) decreasing open space in the subdivision by ten percent or more, or 2) increasing density in the subdivision by ten percent or more. The commission shall render a decision on the proposed major amendment within 30 days after the meeting, including any adjourned session, was closed.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-184. Final plat. (a) Application procedure and requirements.

(1) The final plat shall conform substantially to the preliminary plats approved, and,

(2) If desired by the subdivider, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

(3) Four copies of the final plat any other exhibits required for approval shall be prepared as specified in subsection (b) of this section, and shall be submitted to the plat officer within 12 months after approval of the preliminary plat. Extensions of time may be approved by the plat officer for just cause. The plat officer shall transmit the final plat application to the planning commission at least 15 days prior to the meeting at which it is to be considered.

(b) Contents of application. The final plat shall be prepared by a land surveyor licensed in the State of Illinois and shall include the following:

(1) Final plat, drawn in ink on Mylar, at a scale of 100 feet to one inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the plat officer. The final plat shall show the following:

a. Primary control points,
approved by the plat officer or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.

b. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii arcs, and central angles of all curves. Reference to at least one previously established section corner shall be given.

c. Name and right-of-way width of each street or other rights-of-way.

d. Location, dimensions and purpose of any easements.

e. Number to identity each lot or site.

f. Purpose for which sites, other than residential lots, are dedicated.

g. Minimum building setback line on all lots and other sites.

h. Location and description of monuments.

i. Names of recorded owners of adjoining unplatted land.

j. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.

k. Certification by surveyor or engineer certifying to accuracy of survey and

l. Certification of title showing that applicant is the land owner.

m. Statement by owner dedicating streets, right-of-way and any sites for public uses. A notary’s certificate is required.

n. Title, scale, north arrow and date.

o. Certificate as given in section 302[203], paragraph (d).

(2) Complete plans of all public improvements prepared by an engineer licensed in the State of Illinois.
(3) Cost estimates of all public improvements prepared by an engineer licensed in the State of Illinois.

(4) A certificate by the city engineer certifying that the subdivider has complied with the schedule of minimum required utilities and street improvements.

(5) Certificate by the plat officer certifying that he approved the plat.

(6) Restrictive covenants (if any) in form for recording.

(7) Prints: Five black line prints and one mylar of the final plat shall be furnished by the subdivider to the plat officer for his records and for distribution to appropriate county and city officials.

(8) Other data: Such other certificates, affidavits, endorsements, or deductions as may be required by the plat officer in enforcement of these regulations.

(c) Determination and effect.

(1) The commission shall approve, conditionally approve, or disapprove the final plat within 40 days from the date of the first regular planning commission meeting following submittal of the final plat.

(2) One copy of the final subdivision plat shall be returned to the applicant with the date of approval or disapproval noted on the plat, and, if the plat is disapproved, the reasons for disapproval accompanying the plat.

(d) Appeal in the event of disapproval. If the planning commission disapproves the final plat, the applicant may appeal in the manner prescribed in Article IV, Division 10, Appeals.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-185. Assurance of completion and maintenance of improvements.

(a) Improvements and subdivision improvement agreement.

(1) Completion of improvements. Before the final subdivision plat is signed by the plat officer, all applicants shall be required to complete, in accordance with the planning commission's decision and to the satisfaction of the city engineer, all the street, sanitary and other public improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the final subdivision plat and as approved by the planning commission, and to dedicate those public improvements to the city, free
and clear of all liens and encumbrances on the dedicated property and public improvements.

(2) Subdivision improvement agreement and guarantee.

a. Agreement. The city council in its sole discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to enter into a subdivision improvement agreement by which the subdivider covenants to complete all required public improvements no later than two years following the date on which the plat officer signs the final subdivision plat. The applicant shall maintain each required public improvement until acceptance by the governing body of the dedication of that completed public improvement and also shall warrant that all required public improvements will be free from defect for a period of two years following the acceptance by the governing body of the dedication of the last completed public improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the planning commission.

b. Covenants to run. The subdivision improvement agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs, and assignees of the subdivider. The subdivision improvement agreement will be adopted by the city council, pursuant to applicable state and local laws and shall be recorded in the Clerk and Recorder’s Office of McDonough County.

c. Security. Whenever the city council permits an applicant to enter into a subdivision improvement agreement, it shall require the applicant to provide a letter of credit or cash escrow as security for the promises contained in the subdivision improvement agreement. Either security shall be in an amount equal to 120 percent of the estimated cost of completion of the required public improvements. The issuer of the letter of credit or the escrow agent, as applicable, shall be acceptable to the planning commission.

(1) Letter of credit. If the applicant posts a letter of credit as security for its promises contained in the subdivision improvement agreement, the credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion, maintenance and warranty periods in section 17-185(a)(2)a.; and (3) require only that the government present the credit with a sight draft and an affidavit signed
by the city attorney attesting to the municipality’s right to draw funds under the credit.

(2) **Cash escrow.** If the applicant posts a cash escrow as security for its promises contained in the subdivision improvement agreement, the escrow instructions shall provide: (1) that the subdivider will have no right to a return of any of the funds except as provided in section 17-185(b)(2)b.; and (2) that the escrow agent shall have a legal duty to deliver the funds to the municipality whenever the city attorney presents an affidavit to the agent attesting to the municipality’s right to receive funds whether or not the subdivider protests that right. If and when the city accepts the offer of dedication for the last completed required public improvement, the city shall execute a waiver of its right to receive funds represented by the letter of credit or cash escrow if the subdivider is not in breach of the subdivision improvement agreement. The residual funds shall be security for the subdivider’s covenant to maintain the required public improvements and its warranty that the improvements are free from defect.

(3) **Temporary improvement.** The applicant shall build and pay for all costs of temporary improvements required by the city council and shall maintain those temporary improvements for the period specified by the council. Prior to construction of any temporary facility or improvement, the developer shall file with the city a separate subdivision improvement agreement and a letter of credit or cash escrow in an appropriate amount for temporary facilities, which agreement and credit or escrow shall ensure that the temporary facilities will be properly constructed, maintained, and removed.

(4) **Failure to complete improvement.** For subdivisions for which no subdivision improvement agreement has been executed and no security has been posted, if the improvements are not completed within the period specified by the city council in the resolution approving the plat, the sketch plan or preliminary plat approval shall be deemed to have expired. In those cases where a subdivision improvement agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the agreement, the city may then: (1) declare the agreement to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the agreement is declared to be in default; (2) suspend final subdivision plat approval until the improvements are completed and record a document to that effect for the purpose of public notice; (3) obtain funds under the security and complete improvements itself or through a third party; (4) assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner’s promise to complete improvements in the subdivision; (5) exercise any other rights available under the law.
(b) **Inspection of improvements.**

(1) **General procedure and fees.** Required improvements shall be inspected during construction and ensure their satisfactory completion. The applicant shall pay to the municipality an inspection fee pursuant to the fee schedule presented in chapter 24, and where the improvements are completed prior to final plat approval, the subdivision plat shall not be signed by the city clerk unless the inspection fee has been paid at the time of application. Where the improvements are not completed prior to final plat approval, no building permits or certificates of occupancy shall be issued until all fees are paid. If the city engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the municipality's construction standards and specifications, the applicant shall be responsible for properly completing the improvements.

(2) **Release or reduction of security.**

   a. **Certificate of satisfactory completion.** The governing body will not accept dedication of required improvements nor release nor reduce the amount of any security posted by the subdivider until the city engineer has submitted a certificate stating that all required improvements have been satisfactorily completed.

   b. **Reduction of security.** If the security posted by the subdivider was a cash escrow or letter of credit, the amount of that security shall be reduced upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvement for which dedication was accepted bears to the total cost of public improvements for the subdivision. Funds held in the escrow account shall not be released to the subdivider, or letters of credit shall not be released to the subdivider, in whole or in part, except upon express written instructions of the city attorney.

(c) **Deferral or waiver of required improvements.**

(1) The city council may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not requisite in the interests of the public health, safety, and general welfare, or which are inappropriate because of the inadequacy or in existence of connecting facilities. Any determination to defer or waive the provision of any public improvement must be made on the record and the reasons for the deferral or waiver also shall be expressly made on the record.

(2) Whenever it is deemed necessary by the city council to defer the construction of any improvement required under these regulations because of incompatible grades, future
planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his share of the costs of the future improvements to the city prior to signing of the final subdivision plat by the plat officer, or the developer may execute a separate subdivision improvement agreement secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the city.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 08-32, § 4, 7-7-08)

Sec. 17-186. Submission, signing and recordation of subdivision plat.

(a) Submission and review. Subsequent to the resolution of the planning commission, four paper copies of the subdivision plat and construction plans, and one copy of the original of the subdivision plat on mylar shall be submitted to the plat officer for final review. A check payable to the county clerk and recorder in the amount of the current filing fee shall be provided. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the resolution have been met.

(b) Official certificate. The final plat shall bear the following certificate:

State of Illinois

County of McDonough

I, __________, Clerk of the City of Macomb, McDonough County, Illinois, do hereby certify that this plat was duly approved and accepted by the Mayor and City at a meeting held on the __________/________, 19__________.

City Clerk

(c) General requirement.

(1) Within 50 days after the approval of the final plat by the city council, the plat shall be signed by the plat officer and city clerk.

(2) Within ten days after the plat has been signed, said plat, along with other such legal documents as shall be required to be recorded, shall be filed with the McDonough County
recorder, and if not so filed, shall have no validity and shall not be
recorded without recertification by the city clerk and reapproval by the
city council.

(d) **Conditions for signing and recordation of plats.**

1. When a subdivision improvement agreement and security are required, the chairman of the planning commission and the community development coordinator shall endorse approval on the final plat only after the agreement and security have been approved by the planning commission, and all the conditions of the resolution pertaining to the final plat have been satisfied.

2. When installation of improvements is required prior to recordation of the final plat, the chairman of the planning commission and community development coordinator shall endorse approval on the final plat only after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the city as shown by a certificate signed by the city engineer and city attorney stating that the necessary dedication of public lands and improvements has been accomplished.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-187, 17-188. Reserved.

DIVISION 1A. MINOR SUBDIVISION AND CERTIFICATE OF EXEMPTION
PROCEDURE

Sec. 17-189. Purpose and intent
Sec. 17-190. Minor subdivision defined.
Sec. 17-191. Minor subdivision application.
Sec. 17-192. Distribution of minor subdivision for comment.
Sec. 17-193. Approval of minor subdivision.
Sec. 17-194. Conditional approval of minor subdivision.
Sec. 17-195. Restriction on frequency of minor subdivision approval.
Sec. 17-196. Certificate of exemption.
Sec. 17-197. When certificate of exemption may apply.
Sec. 17-198. Application.
Sec. 17-199. Approval and issuance.
Sec. 17-200. Reserved.
Sec. 17-189. Purpose and intent

(a) **Purpose.** The purpose of this section is to establish the procedures and requirements for minor subdivisions and certificates of exemption.

(b) **Intent of minor subdivision.** The intent of the administrative subdivision is to eliminate the requirement that all subdivision plats be approved by the city council under the following circumstances:

1. The subdivision involves only a minor change in the configuration of land.

2. The subdivision will not likely impact surrounding property in a manner significantly different than if the property had not been subdivided.

3. The subdivision otherwise conforms to all other applicable regulations.

(Ord. No. 14-51, § 2, 12-1-14)

Sec. 17-190. Minor subdivision defined.

A minor subdivision is a division of land into two or fewer lots:

(a) Which does not require, under these regulations, the design or construction of any public improvements, provided that if all required public improvements are in existence but do not meet current design standards, the community development coordinator and public works director, or their designees, may approve a waiver of the design standards;

(b) Which is in conformity with the comprehensive plan and zoning ordinance of the City of Macomb;

(c) Which is otherwise in conformity with all applicable laws and regulations unless previously waived by the entity with jurisdiction; and

(d) Which is located within the city or is otherwise under an annexation agreement which requires future annexation to the City of Macomb.

(Ord. No. 14-51, § 2, 12-1-14)

Sec. 17-191. Minor subdivision application.

(a) **Presubmission.** Before submitting an application for a minor subdivision the applicant shall schedule an appointment with the community development coordinator, or said designee, to discuss the procedure for approval and all requirements that may apply.
(b) **Submittal.** The subdivider shall submit a complete application for minor subdivision approval, together with all required documents and the subdivision review fee. The application shall be in the form as approved by the community development coordinator and the minor plat shall be in the form and with the contents specified as follows:

General Provisions:

1. The minor plat shall show reasonable conformity to the preliminary plat.
2. A three-inch × three-inch vertical blank space shall be provided in the upper right hand corner of all subdivision plats that are to be recorded, i.e. final plats, minor plats, replats, etc.
3. Name of subdivision.
4. Names, signatures and addresses of the property owner, developer or subdivider, engineer and land surveyor.
5. If the owner is a land trust then the beneficial owners and their percentage interests shall be disclosed in accordance with state statutes. This information must be submitted with the application, but does not have to appear on the face of the plat.
6. Standard engineering scale (not greater than 1 in. = 100 ft.). Standard Engineering Scale shall be one of the following: 1 in. = 10 ft.; 1 in. = 20 ft.; 1 in. = 30 ft.; 1 in. = 40 ft.; 1 in. = 50 ft.; 1 in. = 60 ft.; 1 in. = 100 ft. (Note: The plat shall be drawn at such a scale and limited to essential information such that it will be readable and uncluttered.)
7. North arrow.
8. Date of preparation, including most recent revision.
9. The location of the subdivision expressed in each of the following ways:
   a. By quarter section, section, township, range, county and state;
   b. By distances and bearings from the astronomic or assumed north with reference to a corner or corners established in the United States Public Land Survey System; and
   c. By a graphically depicted and a written legal description of the exterior boundaries of the subdivision.
10. The description and location of all survey monuments.
11. Survey data sufficient to reproduce any line or re-establish any monument in the subdivision.
(12) All highways, streets, alleys, blocks, lots, parcels, public grounds, easements and rights-of-way within, or adjacent to, the subdivision and all required access control zones. Proposed street names shall be coordinated with the city clerk, and if necessary any additional city personnel.

(13) The length of all boundary lines of all streets, blocks, lots, public grounds, easements, rights-of-way and information sufficient to derive the length of these lines. Where the boundary line is an arc of a circle, the radius and the length of the arc shall be shown. All dimensions shall be shown to hundredths of a foot, except in the case of riparian boundaries, which may be shown to the nearest foot.

(14) The width of all rights-of-way and easements adjacent to, impacting or serving the subdivision and all detention basins within an adequate distance, as defined by the community development coordinator and public works director.

(15) Floodplain information if applicable.

(16) Easements or lands dedicated to the public for channel maintenance purposes.

(17) Lot numbers shall be consecutive and contain a minimum of three digits, with alphabetic extensions as necessary, in subdivisions that contain more than one phase.

(18) A proposed addressing scheme shall be shown on the plat for all platted lots. The street addresses shall be assigned by the city clerk.

(19) The following notation:
"The property subdivided is within the corporate limits of the City of Macomb," or "The property subdivided is within 1-1/2 miles of the corporate limits of the City of Macomb."

(20) An owner's certificate, stating that the owner of the land described in the attached plat is the sole owner of the land and has caused the land to be surveyed. The owner's certificate shall be dated and signed by the owner or the duly authorized attorney and notarized. The owner's certificate may be shown on the face of the plat or attached thereto.

(21) The surveyor's certificate prepared in accordance with 765 ILCS, as amended and as may hereinafter be amended, including the surveyor's seal and statement that all monuments are set as shown. The surveyor's certificate shall be shown on the face of the plat.

(22) The location of all public improvements required by the regulations and a statement that the improvements do meet current design standards, or if they do not, the extent to which the improvements do not meet current design standards.

(23) The minor subdivision plat shall also include the following signature block:
APPROVED:

Approval of the minor subdivision plat is hereby recommended under the authority as granted by the City Council of the City of Macomb.

Date: __________
By: _____
Community Development Coordinator

Date: __________
By: _____
Public Works Director

Date: __________
By: _____
Mayor

Date: __________
By: _____
City Clerk

(c) **Conditional approval.** The owner may designate in the application that he/she seeks conditional approval of the minor subdivision subject to the design and construction required public improvements only as specified by the owner. Such public improvements shall be noted on the plat and included in the application as planned for construction. Construction plans for the improvements shall be submitted with the plat.

(d) **Subsidiary drainage plat.** The owner shall submit with the minor plat a "Subsidiary Drainage Plat" in accordance with the Plat Act, 765 ILCS 205/0.01 et. seq., as amended from time to time.

*(Ord. No. 14-51, § 2, 12-1-14)*

**Sec. 17-192. Distribution of minor subdivision for comment.**

(a) **Internal distribution.** The community development coordinator shall distribute, within five working days of receipt of a complete application for minor subdivision approval and all required documents, a copy of the application and minor subdivision plat or affidavit for certificate of exemption to the public works director, the building inspector and the city attorney.

(b) **Outside distribution.** The community development coordinator shall forward copies of the minor plat to the agencies to whom the community development coordinator distributes preliminary plats, as necessary, unless written approval from such entity is submitted with the application. Outside agencies shall submit written comments within ten working days of receipt unless granted a longer period by statute or the community development coordinator.
Public notice. The community development coordinator or their designee shall post a sign on the property subject to the application for minor subdivision approval within one business day of receiving the application. The sign is to be posted in a location where it shall be conspicuous and viewable to the public and shall designate the property as being subject to a pending application for minor subdivision with the City of Macomb. If 70 percent of the record property owners of property within 250 feet of the subject property sign a petition as provided by the office of building and zoning objecting to the proposed minor subdivision and submit this petition to the community development coordinator within 14 days of the posting of the sign then the minor subdivision application shall be denied and the application shall be subject to the Chapter 17, Article IV, Division 1 Subdivision Procedure.

Sec. 17-193. Approval of minor subdivision.
(a) Time for approval. The Community development coordinator, with concurrence from public works director shall approve or disapprove the minor subdivision plat and the city attorney shall approve the form of the owner's certificate within 30 working days, or such extended period as may be required for approval by other entities, of the receipt of a complete application for minor subdivision approval, all required documents and subdivision fee. If it is not approved within this time period, unless the applicant requests that action be delayed, the minor subdivision shall be deemed to have been disapproved. If a minor subdivision is not approved, the community development coordinator should notify the owner in writing within seven days of denial.

(b) Approval. When the community development coordinator, with concurrence from public works director finds that the minor subdivision plat meets the criteria for a minor subdivision set forth in these regulations for a minor subdivision and the fees have been paid, then the community development coordinator shall approve the minor subdivision plat. The signature of the community development coordinator, public works director, mayor and city clerk on the plat shall be evidence of these approvals.

(c) Length of time approval valid. Unless the minor subdivision plat has been recorded within 90 days of final written approval with the McDonough County Recorder's Office, the approval shall be null and void.

Sec. 17-194. Conditional approval of minor subdivision.
(a) Conditional approval. If the community development coordinator, with concurrence from public works director, finds that the minor subdivision plat meets the criteria set forth in these regulations for a minor subdivision, including payment of all fees, except that required public
improvements noted in the minor subdivision plat application as planned for installation are not yet installed, and the city attorney finds that the owner's certificate is satisfactory in form, then the community development coordinator shall conditionally approve the minor subdivision plat. Such approval shall be conditioned upon the design and construction of the required public improvements within ninety (90) days of the date of conditional approval.

(b) **Construction of public improvements.** If the owner submits satisfactory proof of design and construction of said public improvements within 90 days of the date of conditional approval, and the public works director shall determine that said public improvements now meet current design standards, then the community development coordinator, public works director, mayor and city clerk shall approve the minor subdivision in accordance with these regulations. If such proof is not submitted within 90 days, then the conditional approval shall lapse and the application for minor subdivision approval shall be considered denied.

(c) **Sidewalk waiver.** If sidewalks do not exist within or adjacent to the proposed minor subdivision as required by these regulations, an administrative waiver from immediate sidewalk construction may be requested, and alternate development agreements may be required. The decision to grant the sidewalk waiver shall be made by the community development coordinator, with concurrence from public works director.

(Ord. No. 14-51, § 2, 12-1-14)

**Sec. 17-195. Restriction on frequency of minor subdivision approval.**

The same property may not be subdivided by use of the minor subdivision approval process more frequently than once in any five-year period.

(Ord. No. 14-51, § 2, 12-1-14)

**Sec. 17-196. Certificate of exemption.**

The certificate of exemption is intended to allow minor conveyances of property between contiguous land owners through an administrative review process.

**Sec. 17-197. When certificate of exemption may apply.**

The owner of subdivided land may apply for a certificate of exemption if:

(a) The total acreage of the parcel or parcels to be divided is less than one acre;

(b) The change in any one existing lot or parcel is no more than 25 feet wide on any side at any point;

(c) The land removed from one parcel or lot and affixed to another does not exceed 10,000 square feet;

(d) The total number of lots is not increased from
the number existing prior to the subdivision;

(e) The land division is exempt from the plat requirements of the Plat Act, 765 ILCS 205/0.01 et. seq.; and

(f) The land is public acquisition for the widening of existing streets or for constructing other public works.

(Ord. No. 14-51, § 2, 12-1-14)

Sec. 17-198. Application.

(a) Affidavit. The application for minor subdivision shall be accompanied by an affidavit for certificate of exemption that shall be signed by the owner and state that the minor subdivision meets the requirements for a certificate of exemption. It shall be accompanied by:

1. A sketch showing the proposed division;
2. Name of the proposed subdivision;
3. Legal description of the proposed lots after the subdivision;
4. Legal description of the proposed lots before the subdivision;
5. The current permanent index numbers assigned by the County Assessor to the existing lot(s).

The form of the affidavit may be prescribed by the community development coordinator and approved by the city attorney.

(b) Utility approval. All utility companies and public entities with roads, sewers, drainage facilities or easements within or adjacent to the proposed area to be platted must approve the configuration of the proposed subdivision and must be submitted with the affidavit for a certificate of exemption.

(Ord. No. 14-51, § 2, 12-1-14)

Sec. 17-199. Approval and issuance.

(a) The community development coordinator, with concurrence from the public works director, shall approve the affidavit for certificate of exemption and the city attorney shall approve the form of the owner's certificate within ten working days of receipt of a complete application, documents and subdivision fee. If it is not approved within this time period, unless the applicant requests that action be delayed, the certificate of exemption shall be deemed to be disapproved. If not approved, the Community development Coordinator shall notify the owner in writing within seven days of denial.
(b) When the community development coordinator, with concurrence from the public works director, finds the certificate of exemption meets the criteria for approval, then the community development coordinator shall approve the certificate of exemption on behalf of the city council. Their signatures on the certificate of exemption shall be evidence of its approval.

(c) If the certificate of exemption has not been recorded with the McDonough County Recorder’s Office within 90 days of approval, it shall be null and void.

(d) The certificate of exemption shall not be recorded except contemporaneously with deeds indicating the transfer of the parts of the existing lot(s) as approved by the minor subdivision. However, the certificate of exemption may be issued to correct deeds previously recorded. The certificate shall recite sufficient information to identify the deeds which created the subdivision to which it relates and may be recorded.

(Ord. No. 14-51, § 2, 12-1-14)

Sec. 17-200. Reserved.

DIVISION 2. PLANNED UNIT DEVELOPMENTS

Sec. 17-201. Purpose and intent.


Sec. 17-203. Exceptions from district regulations.

Sec. 17-204. Procedure.

Sec. 17-205. Schedule of construction.

Sec. 17-206. Recording of final plan.

Sec. 17-207. Contents of applications.

Secs. 17-208—17-220. Reserved.

Sec. 17-201. Purpose and intent.

Planned development regulations allows for development of innovative design by permitting some relaxation of the requirements of the underlying zone district regulations and of the subdivision regulations. A planned development is a special use that may be granted by the city council should it determine that the planned development is in the best interest of the community and complies with all the standards established in this chapter.

The intent of the planned development option is to:

(1) Afford greater choice in the types of development available to the public by allowing a development that would not
be possible under the strict application of the other requirements of this chapter;

(2) Allow for a more creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities;

(3) Promote preservation of common open space and provide more usable and suitably located recreation areas and facilities;

(4) Encourage a pattern of development to preserve natural vegetation, topographic and geographic features; and architectural and historic landmarks;

(5) Permit an efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds, and buildings, and other facilities; and

(6) To encourage the use of land which promotes the public health, safety, comfort, morals and welfare.

(Ord. No. 2750, § 2, 11-17-97)


The following guidelines will be used by the planning commission and city council to evaluate the suitability of proposed planned developments. These guidelines represent sound planning principles which the city thinks should be incorporated into planned developments. However, it is not intended that each and every one of these guidelines be rigidly conformed to, provided that just cause for any departure from these guidelines is demonstrated.

(1) The planned development should be compatible with the character of the underlying zoning district in which it is located.

(2) The planned development should be consistent with the official planning policies and the comprehensive plan of the city.

(3) The planned development should preserve the value of the surrounding residential area.

(4) Any unusual physical, topographical or historical features of the site of the planned development which are of importance to the people of the area or the community should be preserved.

(5) The minimum area of a planned development should be five acres.

(6) Yards along the periphery of a planned development should be compatible with the yards of the adjacent properties.

(Ord. No. 2750, § 2, 11-17-97)
Sec. 17-203. Exceptions from district regulations.

(a) Use exceptions. Uses not allowed in the regulations of the underlying districts may be permitted in planned developments provided:

1. Proposed use exceptions enhance the quality of the planned development and are compatible with the primary uses.

2. Proposed use exceptions are not of a nature, nor are located so as to create a detrimental influence on the surrounding properties.

3. Proposed use exceptions shall not represent more than 40 percent of the site area or more than 40 percent of the total floor area, whichever is less. However, in a residential planned development area no more than ten percent of the site area or a total floor area which ever is less, shall be devoted to commercial use, and provided that such commercial use is integral to the nature of the planned development.

4. No industrial use shall be permitted.

(b) Development standards exceptions. To help achieve the intended benefits of a planned development, exceptions from the regulations of the underlying district may be authorized, provided that:

1. Such exceptions are solely for the purpose of promoting a better development that will be beneficial to the residents or occupants of the planned development as well as those of surrounding properties.

2. That in residential planned developments, the maximum number of dwelling units allowed shall not exceed by more than 40 percent of the number of dwelling units permitted in the underlying zoning district.

3. That the area of open space provided in a planned development shall be at least 25 percent more than that required in the underlying zoning district.

4. Along the periphery of such planned developments, yards shall be provided as required by the regulations of the underlying zoning district.

5. Building height shall not exceed 35 feet except that utilization of a building existing on the site which is taller than 35 feet shall be permitted.

(Ord. No. 2750, § 2, 11-17-97)
Sec. 17-204. Procedure.

The administrative procedures for the review and approval of planned development applications are set forth below:

(1) Pre-application conference.

a. General procedure. Prior to filing a formal application for approval of a planned development, the developer shall schedule a pre-application conference with the plat officer. At this conference:

1. The developer presents his general concept for the proposed development in accordance with section 17-207, subsection (1), of this division.

2. The plat officer informs the developer of applicable plan policies and standards.

(2) Preliminary plan. The preliminary plan of the planned development shall be filed with the plat officer, who shall in turn forward copies to the planning commission. A public hearing shall be held by the planning commission to review the proposed planned development and receive public comment. Procedures for the preliminary plan stage shall consist of the following:

a. Submission materials. The petitioner shall prepare and submit plans and documents in conformance with the requirements of section 17-207, subsection (2), of this division.

b. Public review of submissions. Submission materials shall be filed for review and inspection by other government bodies and the general public.

c. Site plan review. The proposed planned development will be reviewed by the plan commission pursuant to Article IV, Division 3, Site Plan Review.

d. Public hearing. Within 60 days of receipt of the preliminary plan the planning commission shall hold a public hearing in accordance with the provisions of the state statutes for public hearings. Notice of the hearing shall be published not more than 30 days nor less than 15 days before said hearing in one or more newspapers within a general circulation area of the city.

e. Planning commission findings. Within 90 days of the close of the public hearing the planning commission shall prepare findings of fact and recommendations which shall be forwarded to the city council.

f. City council action. Within 60 days from receipt of the planning commission report the city council shall
subsequently either approve, disapprove or approve with conditions the planned development. If approved or approved with conditions, a schedule for submission of the final plan shall then be established.

g. Changes in a preliminary plan. Changes to an approved preliminary plan shall be made as follows:

1. Major changes require the submission of a new preliminary plan and supporting data in accordance with the requirements of section 17-207, Contents of Applications. Major changes are those which alter the concept or intent, increase the density, increase building coverage, decrease the separation between buildings, change the uses of the site, increase building height, reduce open space, change by more than 15 percent the proportion of housing types, change road standards or locations, change sewer, water, or electrical utilities, change proposed drainage, change the final governing agreements of the planned development, or change the development schedule by more than six months.

2. Minor changes to an approved preliminary plan shall not be required to submit a new preliminary plan but shall be required to identify the minor changes on the final plan document.

(3) Final plan. The final plan shall be submitted to the plat officer no more than 12 months (or such time as the city council may approve) following approval of the preliminary plan or resubmittal of the preliminary plan in accordance with section 17-204(b)(7)a. The preliminary and final plans may be submitted simultaneously if all requirements of this chapter are met. If submitted separately, the final plan shall conform substantially with the approved preliminary plan. The procedure for the final plan stage is as follows:

a. Final plan submissions. The petitioner shall prepare and submit plans and documents in conformance with the requirements of section 17-207, subsection (3) of this division.

b. Construction schedule. A written construction schedule shall accompany the submission documents and will be part of the final plan approval.

c. Staff review. Within 60 days the plat officer shall conduct a review of the submission documents and forward his or her recommendations to the planning commission.

d. City council action. Following staff review, the planning commission shall review the final plan and shall return its recommendation to the council within 45 days. The city council will then either approve of disapprove the final plan within 45 days. A copy of the city council resolution approving or denying the final plan will
be filed with the office of the city clerk.

(4) Changes in the planned development. The development of a planned development shall be in conformance with the approved and recorded final plan documents and all supporting data. The approved documents shall be binding on the applicants and their successors, grantees and assignees and shall limit and control the use, improvement, and development of the planned development as set forth therein. Changes in final plan documents are subject to the following restrictions.

a. Authorized administrative changes. Changes in the location of buildings, streets and parking lots of one foot or less may be approved by the community development coordinator when such changes are requested pursuant to obtaining a building permit. However, such changes shall not decrease a peripheral yard or peripheral open space.

b. Minor changes in a final plan. A final plan may be changed, subject to city council approval, without modifying the preliminary plan, provided the proposed changes do not alter the concept or intent, increase the density, increase building coverage, decrease the separation between buildings, change the uses of the site, increase building height, reduce open space, change by more than 15 percent the proportion of housing types, change road standards or locations, change sewer, water, or electrical utilities, change proposed drainage, change the final governing agreements of the planned development, or change the development schedule by more than six months.

c. Major changes in a final plan. Changes other than those listed above require the resubmission and approval of a revised preliminary plan followed by submission and approval of revised final plan materials.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-205. Schedule of construction.

The city council may declare the approval of a planned development revoked if construction falls one year behind schedule or is ahead of schedule by one year. The developer of the development shall be notified prior to any revocation. Notification by registered or certified mail shall be considered adequate notice. Extensions in the construction schedule may be granted by the city council.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-206. Recording of final plan.

The petitioner shall record a copy of the approved final plan with the county recorder of deeds. Proof of such recording shall be required prior to the issuance of a building permit.
Sec. 17-207. Contents of applications.

Required plans and documents for each step of the planned development process are set forth below:

(1) Pre-application stage.
   a. A written "letter of intent" from the petitioner describing his intention for developing the site.
   b. A topographic survey and location map.
   c. Sketch plans describing proposed land use(s), dwelling type(s) and density, if applicable, street and lot arrangement, and tentative lot sizes.
   d. Tentative proposals regarding site improvements such as water and sewer utilities, surface drainage, open space and other public facilities and street improvements.
   e. Statement of ownership of all land within the proposed planned development.
   f. Other materials that may be requested by the city.

(2) Preliminary plan stage. Required submission materials for the preliminary plan stage are outlined below. The city council may modify and/or reduce the required submission materials for any proposed planned development by resolution upon request of the petitioner and after receiving the recommendation of the plat officer. The plat officer shall inform the petitioner in writing of any such modification or reduction.

   a. Project identification and description. The following information is required on the drawings submitted with the preliminary plan:
      1. Proposed name of development (not duplicating the name of any plat recorded in McDonough County.
      2. Names and addresses of the owner, subdivider, or developer having control of the tract; name and seal of registered engineer and/or surveyor; and the name and address of the site planner.
      3. Graphic (engineering) scale not smaller than one inch equals 50 feet (1" = 50').
      4. Northpoint, designated as
true north.

5. Date of preparation of original drawing and the date of any revisions.

b. **Existing conditions.** The following data/materials shall be submitted relevant to existing site conditions.

1. A current plat of survey (boundary survey) prepared by a land surveyor registered in the state.

2. A legal description of the site.

3. Existing zoning districts and current use of land on the site and on adjacent property within 400 feet of the subject site.

4. All existing or previously platted streets on the site, indicating their location, width, sidewalks, curbs and gutters, culverts, centerline elevation and name.

5. Other rights-of-way, including railroads, utility R.O.W.'s and drainage ways, and showing existing improvements, if any.

6. Existing permanent buildings and structures on the site.

7. Utilities on the site indicating: the location, size and invert elevations of storm and combined sewers; the size and location on sanitary sewers; the size and location of water mains; the location of fire hydrants; the direction and distance to the nearest usable water mains and sewers; and the location of private utilities such as gas, electric, and telephone lines and easements.

8. A community location map, drawn at a scale of not less than one inch equals 1,000 feet (1" = 1,000'), showing the site boundary lines.

9. Topographic data for the site consisting of existing contours at one-foot intervals.

10. Hydrologic conditions including watercourses, floodplains, and wetlands.

11. Existing vegetation on the site including trees of 12-inch diameter or more.

12. Soil conditions obtained from soil bearing data taken at locations and depths as may be required by the city engineer.
13. Locations of or reference to existing monuments or survey markers used in preparation of survey and the grade elevation of each monument and marker.

14. Planned or proposed public improvements including highways and public buildings planned for construction on or near the site.

15. Other existing conditions data as may be required by the planning commission or the city council.

c. **Project design features.** Plans, drawings and other material which indicate the design of buildings, streets, landscaping, engineering and other project improvements shall be provided as required below. The submission material described below notwithstanding, all required improvements shall be made in accordance with the standards and specifications contained in Article V of this chapter unless the city council, with the advice of the city engineer, authorizes specific relief from them.

1. A detailed site plan indicating:

   i. Layout of streets and pedestrian ways showing right-of-way and pavement widths, street names (not duplicating the name of any street used in the city or its environs, unless the street is an extension of an already named street, in which event that name shall be used) and showing proposed through streets extended to boundaries of the development.

   ii. Layout, numbers, and typical dimensions of any subdivided lots and building locations to the nearest foot; and the proposed land use for each lot, parcel or tract.

   iii. Proposed building setback lines, indicating dimensions.

   iv. All proposed buildings, indicating their use, height and number of units or floor area.

   v. Areas other than street right-of-way intended to be dedicated or reserved for open space or other public use and showing the approximate area in acres of parcel.

   vi. Site plan data shall be compiled to identify: net site area; total number of
dwelling units; project density; total floor area; floor area ratio; ground coverage of buildings; impervious surface coverage; maximum building height; numbers of buildings by building type; number of parking spaces required and provided; and sub-categories of data for each type of land use within the development.

**vii. Sidewalks and pedestrian trails.**

2. **A grading plan at one-foot contour intervals indicating proposed site grading and areas to be provided for any stormwater detention requirements.**

3. **A preliminary facilities plan indicating the feasibility of providing utility service to the site via water mains, sanitary, and storm sewers, and stormwater detention facilities.**

4. **The design of all project signage, including project marketing signage.**

5. **A preliminary landscape plan indicating the location, number and desired effect of proposed landscaping. Plant material may be described in terms of categories of plants such as "shade trees," "evergreen trees" and "shrub masses" rather than specific plant species.**

6. **Architectural plans, preliminary sketches and renderings for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development.**

7. **Site lighting plan.**

8. **A sediment and erosion control plan indicating plans to control erosion and sedimentation on and adjacent to the site.**

d. **Other requirements.** Applications for planned developments shall also include the submission of the following:

1. **Fiscal impact study comparing the projected tax revenue generated by the project and the added costs for services as they will affect local government jurisdictions.**

2. **School impact study indicating the number of new students generated by the project. This information will be used in the fiscal impact study above to determine the project's impact on local school districts.**

3. **Traffic impact study indicating**
the daily and peak traffic generation and the impact of this added traffic on existing local traffic patterns. This traffic study shall also evaluate the adequacy of the internal street system.

4. Market study to evaluate the economic feasibility of the proposed development, including market acceptance of the proposed development products, competitive alignment and market absorption. The market study shall be prepared by a qualified, independent market research firm.

5. A construction activities plan indicating how construction activity will be controlled by addressing contractor ingress/egress, construction parking, street cleaning and pest control.

6. Financial information including: a copy of lender's commitment; MAI appraisals on the existing site and after development completion; certificate of no delinquent taxes; and financial pro forma.

7. Proposed covenants to govern the use and maintenance of the development and ensure the continued observance of the provisions of the planned development.

8. A narrative description of the planned development describing: the intent and desired effect of the development; the manner in which the development has been planned to take advantage of the flexibility of the planned development regulations; the superior benefits that would accrue to the residents/users of the development; all relief sought from the standard application of district requirements in conjunction with the project.

9. Proof of ownership and/or control of the site.

10. Notification list for public hearing comprised of all adjacent land owners, existing owners of record of the subject site, and other persons as may be added by the city.

11. A development schedule indicating:

   i. A description of the stages in which the project will be built including the public facilities to be constructed in each stage, the density and/or floor area of buildings, open space, and the mix of uses in each stage.
ii. The approximate dates of the beginning and end of each stage.

iii. The area and general content of each stage shall be shown on a plat and supporting graphic material.

(3) Final plan stage. The final plan shall be accurately drawn in ink on material capable of producing clear and legible contact prints or photostatic copies and shall show the following:

a. Identification and description.

1. Name of developer.

2. Street names.

3. Location by section, township, and range by legal description.

4. Graphic (engineering scale be one inch to one hundred feet).

5. Northpoint, designate as true north.

b. Planned development plat. The developer shall prepare a final, detailed land use and zoning plat, suitable for recording with the county recorder of deeds. The purpose of the planned development plat is to designate with particularity the land subdivided into conventional lots, as well as the division of other lands, not so treated, into common open areas and building areas, and to designate and limit the specific internal uses of each building or structure as well as of the land in general. The final planned development plat and supporting data shall include the following:

1. All information for final plat as required in Division 1 of this article.

2. Designation of the exact location of all buildings to be constructed, and a designation of the specific internal uses to which each building shall be put, including construction details; centerline elevations; pavement type; curbs, gutters, culverts, etc.; and a street numbering designation shall be furnished for each building.

3. Common open space documents shall be provided indicating, at the election of the city, that common open space shall be as follows:

i. Conveyed to a municipal or public corporation; or conveyed to a
not-for-profit corporation or entity established for the
purpose of benefiting the owners and residents of the
planned development or adjoining property owners, or any
one or more of them; all lands conveyed under this
subsection shall be subject to the right of the grantee or
grantees to enforce maintenance and improvement of the
common open space.

   ii. Guaranteed by a restrictive covenant describing the open space and
   its maintenance and improvement, running with the land
   for the benefit of residents of the planned development or
   adjoining property owners and/or both.

   c. Final landscape plan. A final landscape plan shall be prepared in substantial conformance to the
   approved preliminary landscape plan. The form and content of the final
   landscape plan shall conform to the requirements of Article VII, Division
   3 of this development ordinance.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-208—17-220. Reserved.

DIVISION 3. SITE PLAN REVIEW

Sec. 17-221. Purpose.

Sec. 17-222. Applicability.

Sec. 17-223. Procedure for review.

Sec. 17-224. Standards for site plan review.

Sec. 17-225. Basis for approval.

Sec. 17-226. Action upon site plans.

Secs. 17-227—17-240. Reserved.

Sec. 17-221. Purpose.

A site plan review procedure is established to provide standards by which to
determine and control the physical layout and/or use of a lot or parcel of land. A site plan
review of all new construction required by the applicable district regulations and related site
and landscape development is required in order to further promote the safe and efficient use
of land and to further enhance the value of property in the city. The site plan review process is
intended to help ensure that newly developed properties or redeveloped properties are
compatible with adjacent development, and that safety, traffic, over-crowding and
environmental problems are minimized to the extent possible.
Sec. 17-222. Applicability.

Site plan review shall be required when any discretionary permit is being requested for multiple-family residential, fraternities and sororities and commercial, institutional, office or industrial developments. In cases involving the expansion of any existing development as noted above, a revised site plan sufficient to address all affected or applicable provisions of the code shall be submitted. Individual single- and two-family residential home developments are exempt from site plan review.

Sec. 17-223. Procedure for review.

(a) Applications for site plan review shall contain a site plan showing all information required by the community development coordinator. Such site plan shall include at a minimum the following:

1. Elevation contours;
2. Existing and proposed easements and rights-of-way on the site or within 100 feet of its boundaries;
3. Existing and proposed structures;
4. Significant existing and proposed landscaping and paving;
5. Existing and proposed signage;
6. Scale, north arrow, and dimensions.

This plan shall be promptly forwarded by the community development coordinator to the appropriate authority as defined herein.

(b) If the community development coordinator determines the application does not contain sufficient information to enable proper review, the community development coordinator may request additional information from the applicant.

(c) Upon receiving a completed application on the form provided by the community development coordinator, the community development coordinator shall schedule the application for review at the appropriate review body's meeting. If the review is within the authority of the planning commission, the community development coordinator shall schedule the application at the planning commission's next scheduled meeting.

(d) When the proposed development requires review by the planning commission, the site plan shall first be reviewed by the community development coordinator.

(e) No application for a building permit shall be issued by
Sec. 17-224. Standards for site plan review.

The planning commission and staff when evaluating site plans, may review the following characteristics of the site plan:

(1) The relationship of the site plan to adopted land use policies.
(2) Parking layout with respect to how well it achieves the following objectives:
   a. Minimize dangerous traffic movements;
   b. Achieve efficient traffic flow in consultation with standards established by the Illinois Department of Transportation;
   c. Provide for the appropriate number of parking spaces, while maintaining city design standards; and
   d. Provide for the appropriate location and number of driveways.
(3) Landscaping, with respect to how well it achieves the following objectives:
   a. Maintain existing mature trees and shrubs to the maximum extent practicable;
   b. Buffer adjacent incompatible uses;
   c. Screen unsightly activities from public view;
   d. Break up large expanses of asphalt with plant material;
   e. Provide an aesthetically pleasing landscaping design; and
   f. Provide plant materials and landscaping designs that can withstand the city's climate, and the microclimate on the property.
(4) Location of principal structures, accessory uses and structures and freestanding signs as signs are regulated in Article VII, Division 3, Signs, so that their location does not impede safe and efficient traffic flow.
(5) Compliance with all applicable provisions of
the Macomb Municipal Code.

(6) Other factors deemed necessary by the commission or the community development coordinator or designee.

(7) Any part of a proposed development not used for structures, parking, loading, or accessways shall be landscaped or otherwise improved.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-225. Basis for approval.

Approval or denial of a site plan shall be based upon the following principles:

(1) Every use, development of land, and application of development standards shall take place in compliance with the standards of this chapter.

(2) Every use, development of land, and application of development standards shall be considered on the basis of the suitability of the site for the particular use or development intended. The total development, including the use and development standards, shall be designed to avoid traffic congestion, insure the public health, safety, and general welfare; prevent adverse impacts on neighboring property; and shall be in accord with the policies of the comprehensive plan and of this Code.

(3) Every use, development of land, and application of development standards shall be considered on the basis of suitable and functional development design, but it is not intended that such approval be interpreted to require a particular style or type of architecture.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-226. Action upon site plans.

Action on any site plan shall be as follows: approval, approval with conditions, or denial.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-227—17-240. Reserved.

DIVISION 4. BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY

Sec. 17-241. General requirement.

Sec. 17-242. Application.

Sec. 17-243. Conformity with this development ordinance.

Sec. 17-244. Expiration.
Secs. 17-245—17-260. Reserved.

Sec. 17-241. General requirement.

(a) No building hereafter erected or altered shall be used until a certificate of occupancy is issued by the office of building and zoning.

(b) No building shall be erected, altered, or repaired until a building permit is issued by the office of building and zoning.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-242. Application.

(a) All certificates of occupancy shall be applied for coincident with the application for a building permit, and said certificate shall be issued within five days after final inspection and approval by the building inspector.

(b) Certificate of occupancy for the use of vacant land shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within five days after the application has been made, provided such use is in conformity with the provisions of this chapter.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-243. Conformity with this development ordinance.

(a) No building or structure shall be erected, and no permit for the erection or alteration of any building or structure shall be issued, if such construction or alteration would result in a violation of the provisions of this chapter, or if the completed or altered building or structure would not be in compliance herewith. The issuance of a building permit shall in no case be construed as waiving any provisions of this chapter.

(b) No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the office of building and zoning shall have issued a certificate of occupancy indicating that such land, building, or part thereof and the proposed use thereof, are found to be in conformity with the provisions of this chapter.

(c) Within five days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the community development coordinator to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this chapter; or if such certificate is refused, to state refusal in writing, with the cause, and immediately forward such notice of refusal to the applicant.
The community development coordinator shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the building affected.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-244. Expiration.

A building permit shall become void six months after issuance unless substantial progress has been made by that date on the project described therein. A building permit for residential and commercial properties shall become void 18 months after date of issuance, and for industrial projects, 24 months after date of issuance, if the project described therein has not been completed.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-245—17-260. Reserved.

DIVISION 5. SPECIAL USES

Sec. 17-261. Authority.

Sec. 17-262. Purpose.

Sec. 17-263. Parties entitled to seek special use permits.

Sec. 17-264. Application for a special use permit.

Sec. 17-265. Public hearings.

Sec. 17-266. Action by planning commission.

Sec. 17-267. Action by city council.

Sec. 17-268. Standards for special use permits.

Sec. 17-269. Conditions on special use permits.

Sec. 17-270. Effect of issuance of a special use permit.

Sec. 17-271. Modifications to special uses.

Sec. 17-272. Limitations on special use permit.

Sec. 17-273. Revocation of special use permits.

Sec. 17-274. Effect of denial.


Sec. 17-261. Authority.

Special use or accessory special use permits granted in accordance with this
chapter may authorize the development of uses listed as special uses in the district in which
the site is located. Within the entirety of this chapter, any references to, or requirements or
processes associated with a special use shall also apply to accessory special uses.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 14-01, § 2, 1-6-14)

Sec. 17-262. Purpose.

Special uses are those uses having some special impact or uniqueness that
requires a careful review of their location, design, configuration, and special impact to
determine, against the fixed standards located in section 17-268, Standards for Reviewing
Special Use Permits, the desirability of permitting their establishment on any given site. They
are uses that may or may not be appropriate in a particular location depending on a weighing,
in each case, of the public need and benefit against the local impact and effect and such other
factors established herein or by the planning commission.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-263. Parties entitled to seek special use permits.

An application for a special use permit may be filed by any person who owns,
leases or has a purchase agreement for the property for which the special use permit is
requested. If the applicant is the lessor, the written approval and signature of the owner may
be required as determined necessary by the community development coordinator.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-264. Application for a special use permit.

An application for a special use permit shall be filed with the community
development coordinator. The application shall be accompanied by the following plans, data or
information unless determined otherwise by the community development coordinator or
designee:

1. A statement in writing by the applicant and
adequate evidence showing that the proposed special use will conform to the
standards set forth in section 17-268, Standards for Reviewing Special Use
Permits, below. Such information should include, at a minimum, a description of
the use, days and hours of operation, number of employees, the scope of
activities carried on by the proposed special use, and other information as
requested by the community development coordinator.

2. If the use is not listed as a permitted special
use in the district for which it is requested, a statement in writing explaining how
it is similar to a use which is listed as a permitted special use in the district for
which it is requested.

3. A site plan of the proposed use identifying the
location of all buildings and structures on the property; buildings, structures and
pavement within 100 feet of the property line or within the adjacent property,
whichever is less; open space; points of ingress/egress; the location, size and
layout of parking; property lines; easements; and scale, north arrow and date. 

(4) A description of the existing use and zoning of land within 300 feet of the subject site.

(5) A landscape plan showing all proposed and existing landscaping including berming, buffering and screening.

(6) Estimated traffic generation of the proposed use.

(7) Floor plans indicating the internal use of structures.

(8) Architectural elevations.

(9) An exterior lighting plan indicating the location of all lighting fixtures.

(10) An accurate legal description of the subject property.

(11) Other information, including a narrative description or product information as may be required by the planning commission. Such application shall be forwarded from the community development coordinator to the planning commission for review and, if approved, to council for confirmation.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-265. Public hearings.

The planning commission shall hold one public hearing to review, consider, and approve, approve with conditions, or disapprove an application after the following public notification is given by the community development coordinator:

(1) Mailing. Notice shall be provided a minimum of 15 calendar days and no more than 30 calendar days in advance of the public hearing, to all owners of land within 250 feet of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the county assessor, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

(2) Legal notice. Legal notice shall be given by advertisement in a local newspaper of general circulation at least 15 and not more than 30 days prior to the public hearing.

(3) Posting. Notice shall also be given by posting a sign in the front yard of said property stating that a special use request on said property is under consideration. The sign shall remain until action is taken by the city council.
Sec. 17-266. Action by planning commission.

(a) Denial. If the planning commission denies the application for a special use permit, the application is then null and void unless the city council overrides the planning commission decision with a two-thirds majority vote.

(b) Approval. If the planning commission approves the application, the commission shall, within a reasonable time after the conclusion of the public hearing, transmit the application to the city council for the council's confirmation.

Sec. 17-267. Action by city council.

Within a reasonable time after the receipt of the decision, of the planning commission, or its failure to act as above provided, the city council either shall confirm the decision by ordinance duly adopted with or without modifications or conditions, or refer the application back to the planning commission for further study, or deny the special use permit.

Sec. 17-268. Standards for special use permits.

The planning commission and city council shall consider the following criteria when making a determination on special use permit applications:

(1) Land use policy. The proposed use and development will be in keeping with the land use policies established by the city council.

(2) Ordinance purposes. The proposed use and development will be in harmony with the general and specific purposes for which this chapter was enacted and for which the regulations of the district in question were established.

(3) No nuisance. The proposed use and development will not create any public nuisance by reason of noise, smoke, odors, vibrations, objectionable lights or congestion of traffic.

(4) No undue adverse impact. The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood or area, or the public peace, health, safety, and general welfare.

(5) No interference with surrounding development. The proposed use and development will be constructed, arranged, and operated so as not to excessively interfere with the use and development of
neighboring property in accordance with the applicable district regulations.

(6) Adequate public facilities. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools, or that the applicant will provide adequately for such services.

(7) No traffic congestion. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

(8) No destruction of significant features. The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

(9) Compliance with standards. The proposed use and development complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-269. Conditions on special use permits.

The planning commission may impose and the city council may confirm or impose additional conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this chapter upon the premises benefitted by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance granting the special use. Violation of any such condition or limitation shall be a violation of this chapter and shall constitute grounds for revocation of the special use permit.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-270. Effect of issuance of a special use permit.

The granting of a special use permit authorizes the property to be used in the manner proposed, but does not alone authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure without first obtaining any other required permit, including a building permit.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-271. Modifications to special uses.

Any modification or intensification of a special use that alters the essential character or operation of the use in a way not intended at the time the special use was granted, as evidenced by the record or language of the ordinance, shall require a new special use permit. The property owner/operator or his authorized representative shall apply for such
special use permit prior to any modification of the use or property. The community development coordinator shall determine whether the proposed modification or intensification represents an alteration in the essential character of the original special use as approved. The operator of the special use shall provide the community development coordinator with all the necessary information related to the special use to render this determination.

If the community development coordinator determines that the proposed modification or intensification will not alter the essential character or operation of the special use, a new special use permit shall not be required.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-272. Limitations on special use permit.

Subject to an extension of time granted by the community development coordinator, no special use permit shall be valid for a period longer than one year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or the approved use is commenced within that period. The special use permit shall expire at any time the use lapses for a period in excess of 12 months.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-273. Revocation of special use permits.

A special use permit may be revoked if the established conditions for approval are violated. The community development coordinator is responsible for advising the planning commission of any violations, and the planning commission may then recommend to the city council to revoke the special use permit.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-274. Effect of denial.

No application for a special use permit that has been denied by the city council shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the community development coordinator.

(Ord. No. 2750, § 2, 11-17-97)


DIVISION 6. VARIANCES

Sec. 17-286. Authority and purpose.

Sec. 17-287. Parties entitled to seek variances.

Sec. 17-288. Application.

Sec. 17-289. Public hearings.
Sec. 17-286. Authority and purpose.

The board of zoning appeals may vary the regulations of this chapter in harmony with its general purpose and intent. Variances shall be granted only in the specific instances, hereinafter set forth, where the hearing authority makes findings in accordance with the standards set forth in this chapter, and further, finds that the strict application of this chapter would result in practical difficulty or undue hardship.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-287. Parties entitled to seek variances.

An application for a variance may be made by any person who owns, leases or has a purchase agreement for the property for which the variance is requested. If the applicant is a lessor, the written approval, with signature, of the owner shall be required.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-288. Application.

An application for a variance shall be filed with the community development coordinator no less than 21 days prior to the scheduled public hearing.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-289. Public hearings.

The board of zoning appeals shall hold one public hearing to review, consider, and approve, approve with conditions, or disapprove an application after the following public notification is given by the community development coordinator:

1. Legal notice. By publication in a newspaper of general circulation within the community not more than 30 nor less than 15 days before the hearing. Said notice shall contain the legal description, the address and location of the property, and a brief description of the nature of the intended change.

2. Mailing. By mailing a written copy of said notice to the owner or agent of all property within 250 feet of the property in question,
whose names and addresses are known by reference to the most recently published ad valorem tax records of the county assessor, except that when the land is improved with a condominium, notice shall be given to the condominium association.

(3) **Posting.** By posting a sign in the front yard of said property stating that a variance on said property is under consideration. Said sign shall remain until action is taken by the board of zoning appeals.

*(Ord. No. 2750, § 2, 11-17-97)*

Sec. 17-290. **Standards for variances.**

Before any variance is granted, the zoning board of appeals shall determine if all of the following conditions are shown to be present:

(1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied;

(2) The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;

(3) The purpose of the variance is not based upon a financial hardship alone;

(4) The alleged practical difficulty or undue hardship is caused by this chapter and has not been created by any person having an interest in the property. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

(5) The granting of the variance will not alter the essential character of the neighborhood.

*(Ord. No. 2750, § 2, 11-17-97)*

Sec. 17-291. **Limitations on variances.**

(a) In granting a variation the board may attach thereto, any conditions and safeguards it deems necessary or desirable in furthering the purposes of this chapter. Violation of any of these conditions or safeguards shall be deemed a violation of this chapter.

(b) Nothing herein contained shall be construed to give or grant to the board the power or authority to permit a use not generally permitted in the district involved.
Sec. 17-292. Validity of variance; time limit and extension.

Permits authorized by the zoning board of appeals for variances or pursuant to appeals from the regulations of this chapter shall be void one year after the date upon which approval was granted unless the use has commenced or construction has begun.

Sec. 17-293. Effect of denial of variance.

No application for a variance that has been denied by the zoning board of appeals shall be resubmitted for a period of one year from the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the community development coordinator.

Sec. 17-294. Revocation of variance.

A variance may be revoked if the established conditions for approval are violated. The community development coordinator is responsible for advising the zoning board of appeals of any violations, and the zoning board of appeals may then direct the community development coordinator to take the necessary action to revoke the variance.

Secs. 17-295—17-305. Reserved.

DIVISION 7. ADMINISTRATIVE INTERPRETATIONS

Sec. 17-306. Authority.

The community development coordinator, subject to the procedures,
standards, and limitations of this chapter, may, in writing, render interpretations, including use interpretations, of the provisions of this chapter and of any rule or regulation issued pursuant to it.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-307. Purpose.

The interpretation authority established by this chapter is intended to recognize that the provisions of this chapter, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations can be readily addressed by an administrative interpretation of the specific provisions of this chapter in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this chapter but is intended only to allow authoritative application of that content to specific cases.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-308. Parties entitled to seek interpretations.

Applications for interpretations may be filed by any person having a right of ownership, such as a title, lease, or purchase agreement, in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion. The community development coordinator may elect not to render an interpretation on a matter which, in the community development coordinator's opinion, is based on hypothesis.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-309. Procedure.

(a) Application. Applications for interpretations of this chapter shall be filed in writing by letter and shall contain information describing the nature of the requested interpretation and written evidence of the petitioner's interest in the property. The community development coordinator may request any additional information necessary to make the interpretation.

(b) Action on application. Within a reasonable time following the receipt of a properly completed application for interpretation, the community development coordinator shall inform the applicant in writing of his or her interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based.

(c) Record. A record of all applications for interpretations shall be kept on file in the office of the community development coordinator.

(d) Appeal. The board of zoning appeals shall, pursuant to Division 10, Appeals, of this article, hear and decide appeals from any order or
final decision of the community development coordinator acting pursuant to his authority and duties under this chapter. Except as expressly provided otherwise, an application for appeal to the board of zoning appeals may be filed not later than 45 calendar days following the action being appealed.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-310. Standards for use interpretations.

The following standards shall be factors considered by the community development coordinator and the board of zoning appeals in issuing use interpretations:

(1) Any use defined in Article II, Division 1, Definitions, of this chapter shall be interpreted as therein defined;

(2) Evidence must demonstrate that the use will comply with the district regulations established for that particular district;

(3) A use must be substantially similar to other uses permitted in the particular district and more similar to those uses than to uses permitted or conditionally permitted in a more restrictive district;

(4) If the proposed use is most similar to a use permitted only as a special use in the district in which it is proposed, then any use interpretation shall require the issuance of a Special Use permit for such use pursuant to Article IV, Division 5, Special Use Permits; and

(5) No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-311. Effect of favorable use interpretations.

No use interpretation which finds a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the codes and ordinances of the city including, but not limited to, a building permit, a certificate of occupancy, subdivision approval, and site plan approval.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-312. Limitations on use interpretations.

A use interpretation which finds a particular use to be permitted, or permitted as a special use, shall authorize only the use for which it was issued, and that interpretation shall not authorize any allegedly similar use for which a separate use interpretation has not been issued.
Secs. 17-313—17-325. Reserved.

DIVISION 8. AMENDMENTS

Sec. 17-326. Authority.

This division and the zoning map may be amended from time to time by ordinance duly enacted by the city council in accordance with the procedures set out in this section.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-327. Purpose.

The amendment process established by this section is intended to provide a means for making changes in the text of this chapter and in the zoning map. The process is not intended to relieve particular hardships nor to confer special privileges or rights.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-328. Parties entitled to seek amendments.

An application for an amendment may be filed by the city council, the planning commission, the board of zoning appeals, the owner of, or any person having a right of ownership in any property to be affected by a proposed amendment to the zoning map, or a person interested in a proposed amendment to the text of this chapter.

(Ord. No. 2750, § 2, 11-17-97)
Sec. 17-329. Application for an amendment.

An application for an amendment shall be filed with the community development coordinator on an official, prescribed form. The application shall be accompanied by the following plans, data or information:

(1) A statement in writing by the applicant and adequate evidence showing that the proposed amendment will conform to the standards set forth in section 17-333, Standards for Amendments, below.

(2) Applications for map amendments shall include the following:

a. A locational map of the subject site, identifying the location of all buildings and structures on the property; buildings, structures and pavement contiguous to the property; a description of the land use and zoning within 250 feet of the property; points of ingress/egress; the location, size and layout of parking; property lines; easements; and scale, north arrow and date.

b. An accurate legal description of the subject property.

c. Other information, including a narrative description, as may be required by the planning commission.

Such application shall be forwarded from the community development coordinator to the planning commission for their review and action.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-330. Public hearing by the planning commission.

The planning commission shall hold at least one public hearing in accordance with this chapter after the following public notification is given by the community development coordinator:

(1) **Mailing.** Notice shall be provided via first class mail, a minimum of 15 days and a maximum of 30 days in advance of the public hearing, to all owners of land within 250 feet of said property whose names and addresses are known by reference to the most recently published ad valorem tax records of the county assessor, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

(2) **Legal notice.** Legal notice shall be given by advertisement in a local newspaper of general circulation at least 15 days and no more than 30 days prior to the public hearing.

(3) **Notification to organizations.** Notification a
minimum of no less than 15 days prior to the public hearing shall be given by first class mail to any organization which requests notice.

(4) **Posting.** A sign shall be posted in the front yard of said property stating that a zoning amendment for said property is under consideration. The sign shall remain until action is taken by the city council.

(Ord. No. 2750, § 2, 11-17-97)

**Sec. 17-331. Action by planning commission.**

The planning commission shall, in the public hearing, review and consider the application, and shall, within a reasonable time after the conclusion of the public hearing, transmit to the city council the application and the planning commission's recommendation to approve or disapprove the application.

(Ord. No. 2750, § 2, 11-17-97)

**Sec. 17-332. Action by city council.**

The city council may act upon the planning commission's recommendation by: 1) duly adopting an ordinance, with or without modifications; 2) referring the application back to the planning commission for further study; or 3) denying the amendment request. Applications for amendments not receiving a favorable vote of the planning commission shall not become effective unless receiving a two-thirds majority vote of the city council.

(Ord. No. 2750, § 2, 11-17-97)

**Sec. 17-333. Standards for amendments.**

In determining whether a proposed amendment shall be granted or denied, the planning commission and the city council should be guided by the principle that its power to amend this chapter is not an arbitrary one but one that may be exercised only when the public good demands or requires the amendment to be made. In considering whether that principle is satisfied in any particular case, the city council and the planning commission should weigh the following factors:

(1) The consistency of the proposed amendment with the city's adopted land use policies.

(2) The consistency of the proposed amendment with the purposes of this chapter.

(3) If a specific parcel of property is the subject of the proposed amendment, then the following factors:

a. The existing uses and zoning classifications for properties in the vicinity of the subject property.

b. The trend of development in the vicinity of the subject property, including changes, if any, in such trend since the subject property was placed in its present zoning classification.
c. The extent to which the value of the subject property is diminished by the existing zoning classification applicable to it.

d. The extent to which any such diminution in value is offset by an increase in the public peace, health, safety, and welfare.

e. The extent to which the use and enjoyment of adjacent properties would be affected by the proposed amendment.

f. The extent to which the value of adjacent properties would be affected by the proposed amendment.

g. The extent to which the future orderly development of adjacent properties would be affected by the proposed amendment.

h. The suitability of the subject property for uses permitted or permissible under its present zoning classification.

i. The availability of adequate ingress to and egress from the subject property and the extent to which traffic conditions in the immediate vicinity of the subject property would be affected by the proposed amendment.

j. The availability of adequate utilities and essential public services to the subject property to accommodate the uses permitted or permissible under its proposed zoning classification.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-334. Effect of approval of amendment.

(a) When an amendment to this chapter is approved, such amendment shall be incorporated into the official document or map held at the city offices.

(b) When an amendment is made to the text, such change shall be incorporated into the official document according to the numbering system established within the ordinance and such amendment shall be made within the time period prior to the enactment of the new ordinance.

(c) An annual listing of such amendments to the ordinance shall be kept within the official document.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-335. Effect of denial of amendment.

No application for an amendment that has been denied by the city council
shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of condition found to be valid by the community development coordinator.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-336—17-345. Reserved.

DIVISION 9. CERTIFICATE OF COMPATIBILITY

Sec. 17-346. [Generally.]

Sec. 17-347. Documentation.

Sec. 17-348. Pre-application meeting.

Sec. 17-349. Review period.


Sec. 17-346. [Generally.]

Application for a certificate of compatibility shall be made in the office of the community development coordinator on forms provided therefor and obtainable at said office. Application forms shall specify the information required to determine whether the proposed activity, repairs or construction will be in compliance with the provisions of this chapter. Each application shall be accompanied by all required information as specified on the application form.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-347. Documentation.

The following documentation must accompany an application for a certificate of compatibility:

(1) Site plan.

(2) Elevation of front and side facades visible from the street.

(3) Photograph of the existing site and structures surrounding the site.

(4) Materials list for exterior design.

(5) Reproduction of (1) and (2) above in an eight and one-half by 11 inch format.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-348. Pre-application meeting.
Prior to submitting a request for a certificate of compatibility, the applicant shall meet with the community development coordinator to review conceptual plans. The purpose of the pre-application meeting is to inform the applicant about the overlay district design standards, and to prevent confrontation after submittal.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-349. Review period.

All applications shall be reviewed and a decision in writing rendered thereon within 45 days of receipt of and acceptance of the fully completed application and supporting documentation. However, where such application involved new construction the review time shall be extended to 60 days.

(Ord. No. 2750, § 2, 11-17-97)


DIVISION 10. APPEALS

Sec. 17-361. Authority.

The board of zoning appeals shall hear testimony concerning appeals from any final order or decision made by the community development coordinator concerning this chapter and render a final decision on such matters.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-362. Parties entitled to seek appeals.

An appeal may be filed with the board of zoning appeals by any person, firm, or corporation, or by any office, department, board, bureau, or commission directly affected by an administrative order, requirement, decision, or determination under this chapter by the community development coordinator.

(Ord. No. 2750, § 2, 11-17-97)
Sec. 17-363. Application and procedure.

An appeal shall be filed in writing on a form provided by the community development coordinator. The community development coordinator shall forward the appeal to the board of zoning appeals for its consideration. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rule, by filing with the community development coordinator and with the board of appeals a notice of appeal, specifying the grounds thereof. The community development coordinator shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-364. Effect of application on other permits.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the community development coordinator certifies to the board of appeals after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the community development coordinator and on due cause shown.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-365. Public hearing.

The board of zoning appeals shall hold one public hearing in conformance with the requirements of section 17-330, Public Hearing Procedures, to review, consider, and approve, approve with conditions, or disapprove an appeal after the following public notification is given by the community development coordinator.

(1) Mailing. Notice shall be provided a minimum of 15 calendar days and no more than 30 calendar days in advance of the public hearing, to all owners of land within 250 feet (exclusive of intervening streets and alleys) of the periphery of the land subject to the application whose names and addresses are known by reference to the most recently published ad valorem tax records of the county assessor, except that when the land is improved with a condominium, notice shall be given to the condominium association. Notice shall be presumed to have been given when mailed in accordance with these provisions.

(2) Legal notice. Legal notice shall be given by advertisement in a local newspaper of general circulation a minimum of 15 calendar days and no more than 30 calendar days in advance of the public hearing.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-366. Decision.
The board of zoning appeals shall hear testimony and evidence concerning
appeals and shall render a final decision on all appeals. Such decision shall become part of
the minutes of the board of zoning appeals.

(Ord. No. 2750, § 2, 11-17-97)


DIVISION 11. FILING FEES AND PENALTIES

Sec. 17-381. Fees paid to clerk.

Sec. 17-382. Required fees.


Sec. 17-381. Fees paid to clerk.

All required filing fees shall be paid to the City Clerk of the City of Macomb.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-382. Required fees.

Applicable fees for the filing of applications pursuant to this Development
Ordinance, and for penalties incurred pursuant to article IV, division 12 of the Code, shall be
as listed in chapter 24, the city fee schedule.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 08-32, §§ 2, 3, 7-7-08)


DIVISION 12. ENFORCEMENT

Sec. 17-396. Authority.

Sec. 17-397. Complaints regarding violations.

Sec. 17-398. Right of entry.

Sec. 17-399. Procedures upon discovery of violations.

Sec. 17-400. Penalties and remedies for violations.

Sec. 17-401. Revocation of special use permits and variances.

Secs. 17-402—17-420. Reserved.

Sec. 17-396. Authority.
The community development coordinator or his or her designee is hereby designated to enforce this chapter. References within this chapter to the community development coordinator or designee shall include the zoning enforcement officer. The city council may also, by resolution, provide that a building inspector act as the zoning enforcement officer. It shall be the duty of all city employees and officials to cooperate with the community development coordinator, in his or her position as zoning enforcement officer, in the performance of his or her duties.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-397. Complaints regarding violations.

Whenever the community development coordinator has reasonable cause for or receives a complaint alleging a violation of this chapter, or when there are reasonable grounds to believe that a violation exists, he or she shall investigate the complaint and shall take whatever action is warranted in accordance with the provisions of this chapter.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-398. Right of entry.

The community development coordinator or designee may make inspections of all buildings, structures and premises located within the city to determine their compliance with the provisions of this chapter.

(1) Such inspection may take place upon reasonable cause, including but not limited to the observations of the community development coordinator or designee; information brought to the attention of the community development coordinator or designee, or any complaint received by the community development coordinator, or if such inspection is undertaken as part of a regular inspection program whereby certain areas of the city are being inspected in their entirety.

(2) Such inspection shall be made by the community development coordinator or his or her authorized representative;

(3) Any person making such inspection shall furnish to the owner or occupant of the building, structure or premise to be inspected, sufficient identification and information to enable the owner or occupant to determine that the person is a representative of the city and the purpose of the inspection. The community development coordinator or his or her authorized representative may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any premises if the owner shall refuse to grant entry.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-399. Procedures upon discovery of violations.

(a) If the community development coordinator finds that
any provision of this chapter is being violated, he/she shall send a written notice
to the person responsible for such violation indicating the nature of the violation,
ordering the action necessary to correct, and specifying a reasonable amount of
time for the correction of the violation or the performance of any other act
required. Additional written notices may be sent at the discretion of the
community development coordinator’s.

(b) The notice of the community development coordinator
shall be served upon the owner or the owner's agent or the occupant, as the
case may require, provided that such notice shall be deemed to be properly
served upon such owner or agent, or upon such occupant, if a copy thereof: 1)
is served personally, or 2) is sent to the last known address, or 3) is posted in a
conspicuous place in or about the building, structure or premises affected by the
action.

(c) Notwithstanding the foregoing in cases when delay
would seriously threaten the effective enforcement of this chapter or pose a
danger to the public peace, health, safety, or welfare, the community
development coordinator may seek enforcement without prior written notice by
invoking any of the penalties or remedies authorized in Division 10, Appeals.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-400. Penalties and remedies for violations.

(a) Violations of the provisions of this chapter or failure to
comply with any of its requirements, including violations of any conditions and
safeguards established in connection with approval of a variance, special use or
development approval, shall constitute a misdemeanor of the first degree.

(b) Each day that any violation continues after notification
by the community development coordinator that such violation exists shall be
considered a separate offense for purposes of the penalties and remedies
specified in this section.

(c) The city attorney may, upon a violation of this chapter
having been called to his attention, institute injunction, mandamus, abatement
or any other appropriate action to prevent, enjoin, abate or remove any unlawful
construction, reconstruction, alterations, conversion, maintenance or use. Such
action may also be instituted by any property owner who may be damaged by
any violation of this chapter.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-401. Revocation of special use permits and variances.

A special use permit may be revoked by the planning commission or a
variance may be revoked by the zoning board of appeals, in accordance with the provisions of
this section, if the recipient of the special use permit or the variance fails to develop or
maintain the property in accordance with the plans submitted, the requirements of this chapter,
or any additional requirements lawfully imposed as a condition of approval of a special use or
variance. Before a special use permit or variance can be revoked, the community development coordinator shall undertake the following procedures:

(1) **Notice and opportunity to comment.** The community development coordinator shall cause a written notice of intent to revoke the special use permit or variance to be delivered to the property owner at least 15 and no more than 30 days prior to the date of the proposed revocation. The notice of intent to revoke the special use or variance shall inform the recipient of the alleged reasons for the revocation and of his right to obtain a hearing on the allegations.

(2) **Hearing.** A property owner is entitled to a hearing before the planning commission for a proposed revocation of a special use permit, and/or a hearing before the board of zoning appeals for a proposed revocation of a variance. The community development coordinator is responsible for scheduling the hearing request on the agenda of the planning commission or board of zoning appeals within 35 days of the date on which the request for hearing is filed.

(3) **Decision rendered.** If the revocation was subject to a public hearing, the board of zoning appeals or planning commission shall render a decision upon the proposed revocation within a reasonable time of such hearing. Such decision shall be rendered by written order containing the specific reasons or findings of fact that support the decision.

(4) **Notification of decision.** The community development coordinator shall send such decision within five working days to the holder of the special use permit or variance and any other person previously requesting notification.

(5) **Evidence.** The burden of presenting sufficient evidence to the community development coordinator, the board of zoning appeals, or the planning commission to establish the need to revoke the special use permit or variance for any of the reasons set forth in this section shall be upon the party proposing the revocation.

(6) **Result of revocation.** No person may continue to make use of land or buildings in the manner authorized by any special use permit or variance if it has been revoked in accordance with the provisions of this section.

(7) **Records.** A record of all written notices of the intent to revoke a special use permit or variance shall be kept on file in the office of the community development coordinator.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-402—17-420. Reserved.

**ARTICLE V. SITE DESIGN, IMPROVEMENT, AND INFRASTRUCTURE**
DIVISION 1. GENERAL REQUIREMENTS

Sec. 17-421. Purpose.

Sec. 17-422. Conformity with other regulations.

Sec. 17-423. Character of land suitable for development.

Sec. 17-424. Adequate public facilities.

Sec. 17-425. Extension policies.

Sec. 17-426. Reservation of land for public use.

Sec. 17-427. Monuments.

Sec. 17-428. Subdivision names.


Sec. 17-421. Purpose.

Except as otherwise provided below, the site design and improvement standards in this article are required for all subdivisions, planned developments, and any other new development, expansion or redevelopment of a site requiring a site plan and upon which such improvements do not already exits. Existing improvements that do not meet the standards of this article shall be subject to article II, division 3, "nonconformities"  

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 09-08, § 3, 3-16-09)

Sec. 17-422. Conformity with other regulations.

(a) In addition to the requirements established in these regulations, the improvement of land shall comply with all applicable statutory provisions, the City of Macomb building and housing codes, the comprehensive plan and official map, including all streets, drainage systems, and parks shown on the or comprehensive plan or official map as adopted; any rules of the McDonough County Health Department and/or appropriate state or substate agencies, and the rules of the Illinois Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connecting street.

(b) Plat approval shall be withheld if a subdivision is not in conformity with the above laws, regulations, guidelines, and policies, the regulations of this article, or the purposes of these regulations as established in Article I of this development ordinance.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-423. Character of land suitable for development.
Land that the planning commission and city council finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the planning commission and city council, upon recommendation of the city engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve known danger to public health, safety, and welfare.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-424. Adequate public facilities.

No preliminary plat shall be approved unless the planning commission and city council determines that public facilities will be adequate to support and service the area of the proposed subdivision. The applicant shall, at the request of the planning commission and city council, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on and use of public facilities by possible uses of said subdivision. Public facilities and services to be examined for adequacy will include roads, sewerage, and water service.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-425. Extension policies.

All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, sidewalks, water lines, wastewater systems, drainage facilities, power lines, and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The city may require the applicant of a subdivision to extend off-site improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-426. Reservation of land for public use.

(a) Where a proposed park, playground, school or other public use desirable for the public interest is located in whole or in part in a subdivision, the city council may require the dedication of such area within the subdivision in those cases in which they deem such requirements to be reasonable. Fair and just remuneration shall be paid to the subdivider for the land dedicated for this purpose.

(b) Where deemed essential by the city council, upon consideration of the particular type of development proposed in the subdivision, and especially in large-scale neighborhood unit developments, the city council may require the reservation for the public use of such other areas or sites of a
character, extent and location suitable to the needs created by such
development for schools, parks, and other neighborhood purposes. The
subdivider shall be paid fair and just remuneration for the land used for this
purpose.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-427. Monuments.

(a) Monuments shall be placed at all block corners, angle points, points of curves in streets; at intermediate points as shall be required by the plat officer, and at locations approved by a registered land surveyor.

(b) The external boundaries of a subdivision shall be monumented in the field by iron rods or pipes at least 24 inches long and one inch in diameter.

These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, those points to be not less than 20 feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the right-of-way line of the street.

(c) All internal boundaries and those corners and points not referred to in the preceding paragraph shall be monumented in the field by like monuments as described above. These monuments shall be placed at all block corners, at each end of all curves, at a point where a river changes its radius, and at all angle points in any line.

(d) The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least 30 inches long and seven-eighths inch in diameter or by round or square iron bars at least 30 inches long. These monuments shall be placed at the point of intersection of the river or stream lot line, with a meander line established not less than 20 feet back from the bank of the river or stream.

(e) All monuments required by these regulations shall be set flush with the ground and planted in such a manner that they will not be removed by frost.

(f) All monuments shall be properly set in the ground and approved by a registered land surveyor prior to the time the planning commission recommends approval of the final plat.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-428. Subdivision names.

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of another subdivision in the area covered by these regulations. The planning commission shall have final authority to designate the name of the
subdivision, which shall be determined at sketch plat approval.

(Ord. No. 2750, § 2, 11-17-97)


DIVISION 2. LAYOUT AND BLOCKS

Sec. 17-441. Blocks.

Sec. 17-442. Lots.

Secs. 17-443—17-455. Reserved.

Sec. 17-441. Blocks.

(a) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, waterways, or undevelopable land.

(b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,320 feet. Blocks along major arterials and collector streets shall be not less than 600 feet in length. Blocks designed for industrial uses shall be of such length and width as may be determined suitable by the planning commission for the prospective use.

(c) In long blocks the planning commission may require the reservation of an easement through the block to accommodate utilities and drainage facilities.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-442. Lots.

(a) Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning regulations and Illinois Department of Public Health regulations, in providing driveway access to buildings on the lots from an approved street, or in providing service to public sanitary sewer or approved sanitary disposal facilities.

(b) Lot dimensions.

(1) The areas of all lots shall not be less than the standards for the zoning district in which they are located.

(2) Where lots are more than double the
minimum required area for the zoning district, the planning commission may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning regulations and these regulations.

(3) Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets.

(4) Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning regulations.

(c) Lot lines.

(1) Building setback lines shall be established on all lots, and the minimum building setback line shall be appropriate for the location of the subdivision and for type of development and use contemplated, provided, however, that they shall not be less than the standards established by the zoning regulations of the City of Macomb.

(2) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan.

(3) The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

(d) Double frontage lots and access to lots.

(1) Double frontage lots.

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

(2) Access from major and secondary arterials.

Lots shall not, in general, derive access exclusively from a major or secondary street. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the planning commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards on the street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on major and secondary arterial

(e) Waterbodies and watercourses.

If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn
as to distribute the entire ownership of the water body among the fees of adjacent lots. The planning commission may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No more than 25 percent of the minimum area of a lot required under the zoning regulations may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which has access, provisions shall be made for installation of a culvert or other structure, of design approved by the city engineer.

(f) **Easements.** Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 12 feet wide, but shall be of sufficient width for the utilities planned.

(Ord. No. 2750, § 2, 11-17-97)

**Secs. 17-443—17-455. Reserved.**

**DIVISION 3. TRANSPORTATION SYSTEM**

Sec. 17-456. Streets and roads.

Sec. 17-457. Alleys.

Sec. 17-458. Sidewalks.

Secs. 17-459—17-470. Reserved.

**Sec. 17-456. Streets and roads.**

(a) **General provisions.**

(1) **Frontage on improved roads required.** No subdivision shall be approved unless the area to be subdivided shall have access from an existing street or a street shown upon a plat approved by the planning commission and recorded in the county recorder of deeds' office. Such street or highway must be suitably improved as required by this chapter, or be secured by a performance bond required under the regulations of Article IV, Division 1, Subdivisions.

(2) **All platted roads to be improved.** Wherever the area to be subdivided is to utilize existing road frontage, the road shall be suitably improved as provided above.

(3) **Access to primary arterials.**

a. Where a subdivision abuts or contains an existing or proposed arterial street, the plat officer may require marginal access streets, reverse frontage with screen planting contained in a non access reservation along the
rear property line, deep lots with rear service alleys, or such other
treatment as may be necessary for adequate protection of
residential properties and to afford separation of through and
local traffic.

b. Where a subdivision borders on or contains a railroad right-of-way or limited access highway
right-of-way, the plat officer may require a street approximately parallel to and on each side of such right-of-way, at a distance
suitable for the appropriate use of the intervening land, as for
park purposes in residential districts, or for commercial or
industrial purposes in appropriate districts. Such distances shall
also be determined with due regard for the requirements of
approach grades and future grade separations.

c. All new subdivisions along
state and county highways shall be arranged to provide access to
such highways at intervals not less than 1,320 feet, except where
impractical or impossible due to existing property divisions or
topography. Also, roads and streets within such subdivisions shall
be arranged to permit access to adjacent future subdivisions
without encroachment upon this regulation.

(4) Reserve strips. Reserve strips
controlling access to streets shall be prohibited except where their
control is definitely placed in the city under conditions approved by the
plat officer.

(5) Half streets. Half streets shall be
prohibited, except where essential to the reasonable development of the
subdivision in conformity with other requirements of these regulations;
and where the plat officer finds it will be practicable to require the
dedication of the other half when the adjoining property is subdivided.
Wherever a half street is adjacent to a tract to be subdivided, the other
half of the street shall be platted within such tract.

(6) Continuation of streets and dead end-streets.

a. Continuation of streets (stub streets).
The arrangement of streets shall provide for the continuation of
principal streets between adjacent properties when the
continuation is necessary for convenient movement of traffic,
effective fire protection, for efficient provision of utilities, and
where the continuation is in accordance with the comprehensive
plan. If the adjacent property is undeveloped and the street must
temporarily be a deadend street, the right-of-way shall be
extended to the property line. A temporary T- or L-shaped
turnabout shall be provided on all temporary dead-end streets,
with the notation on the subdivision plat that land outside the
normal street right-of-way shall revert to abutters whenever the
street is continued. The planning commission may limit the length of temporary deadend streets in accordance with the design standards of these regulations.

b. Permanent dead-end streets (culs-de-sac). Where a road does not extend beyond the boundary of the subdivision and its continuation is not required by the planning commission for access to adjoining property, its terminus shall be in a cul-de-sac turn-around having an outside roadway diameter of at least 60 feet and a street property line diameter of at least 80 feet for curb and gutter streets 120 feet for large lot development streets without curb and gutter. Permanent dead-end streets (culs-de-sac) shall not be longer than 500 feet.

(b) Classification of streets; right-of-way width and pavement widths.

(1) Minimum street right-of-way widths and pavement widths shall be as described in Table 5.3.1.B.

<table>
<thead>
<tr>
<th>Type</th>
<th>Street Type</th>
<th>Right-of-Way Width</th>
<th>Pavement Width (back-of-curb to back-of-curb)</th>
<th>Shoulder Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector street</td>
<td>(curb and gutter)</td>
<td>60'</td>
<td>36'</td>
<td>n/a</td>
</tr>
<tr>
<td>Collector road</td>
<td>(noncurb and gutter)</td>
<td>100'</td>
<td>26'</td>
<td>8'</td>
</tr>
<tr>
<td>Minor street</td>
<td>(curb and gutter)</td>
<td>54' 60'</td>
<td>30' 36'</td>
<td>n/a n/a</td>
</tr>
<tr>
<td></td>
<td>Single-family development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multiple-family development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor road</td>
<td>(noncurb and gutter) Large lot</td>
<td>80'</td>
<td>24'</td>
<td>4'</td>
</tr>
<tr>
<td></td>
<td>development</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) Excess right-of-way. Right-of-way widths in
excess of the standards designated in these regulations shall be required
whenever due to topography, additional width is necessary to provide adequate
earth slopes. Such slopes shall not be in excess of four-to-one. Front slopes
shall not be in excess of four-to-one, and back slopes shall not be in excess of
three-to-one.

(c) Arrangement and topography.

(1) Roads shall be related appropriately to
the topography. Local roads shall be curved wherever possible to avoid
conformity of lot appearance. All streets shall be arranged so as to
obtain as many building sites as possible at, or above, the grades of the
streets. Grades of streets shall conform as closely as possible to the
original topography. A combination of steep grades and curves shall be
avoided. Specific standards are contained in the design standards of
these regulations.

(2) All streets shall be properly integrated
with the existing and proposed system of thoroughfares and dedicated
rights-of-way as established on the official map and/or comprehensive
plan.

(3) All thoroughfares shall be properly
related to special traffic generators such as industries, business districts,
schools, churches, and shopping centers; to population densities; and to
the pattern of existing and proposed land uses.

(4) Minor or local streets shall be laid out to
conform as much as possible to the topography to: 1) discourage use by
through traffic, 2) permit efficient drainage and utility systems, and 3)
require the minimum number of streets necessary to provide convenient,
safe, and continuous access to property.

(5) The rigid rectangular gridiron street
pattern need not necessarily be adhered to, and the use of curvilinear
streets, culs-de-sac, or U-shaped streets shall be encouraged where
such use will result in a more desirable layout.

(6) Proposed streets shall be extended to
the boundary lines of the tract to be subdivided, unless prevented by
topography or other physical conditions, or unless in the opinion of the
planning commission such extension is not necessary or desirable for
the coordination of the layout of the subdivision with the existing layout
or the most advantageous future development of adjacent tracks.

(7) In business and industrial
developments, the streets and other accessways shall be planned in
connection with the grouping of buildings, location of rail facilities, and
the provision of alleys, truck loading and maneuvering areas, and walks
and parking areas so as to minimize conflict of movement between the
various types of traffic, including pedestrian.
(d) Intersections and curves.

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 70 degrees. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically approved by the planning commission.

(2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least 800 feet apart.

(3) The minimum radius at intersections shall be as follows, except that the plat officer may require a greater radius if deemed appropriate:

<table>
<thead>
<tr>
<th>Intersection Type</th>
<th>Minimum Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor street to minor street</td>
<td>25'</td>
</tr>
<tr>
<td>Minor street to collector street</td>
<td>30'</td>
</tr>
<tr>
<td>Collector street to collector street</td>
<td>50'</td>
</tr>
</tbody>
</table>

(4) When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than 100 feet for minor and collector streets, and of such greater radii as the plat officer shall determine for special cases.

(5) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

(6) Property lines at street intersections shall be rounded with a radius of 15 feet, or of a greater radius where the plat officer may deem it necessary. The plat officer may permit comparable cutoffs or chords in place of rounded corners. Surface grading at street intersections shall be such as to permit unobstructed vision within the sight triangle formed by the center of intersection and two points 75 feet distant, each point being on the centerline of an intersecting street.

(e) Surfacing; cross section.

(1) Minimum pavement thickness shall be as follows:
**Collector street/road:** All pavements shall be designed in accordance with the requirements contained in the latest, revised edition of the State of Illinois DOT Design Manual. An Illinois Bearing Ratio of 3.0 (IBR=3.0) shall be used unless the developer's engineer submits subgrade soil tests justifying a different IBR. Before pavement construction begins, the entire subgrade shall be tested for density in accordance with the latest edition of the Illinois DOT Standard Specifications for Road and Bridge Construction and the latest edition of the Illinois DOT Subgrade Stability Manual. Average daily traffic volume shall be considered when determining pavement thickness for collector streets and roads.

**Local street/road:** Concrete local streets and roads shall be designed in accordance with either of the following two options:

**Option 1** —6.75 inches PCC without aggregate base on a compacted subgrade;

**Option 2** —6.5 inches PCC on top of 4 inches of aggregate base on a compacted subgrade.

Asphalt local streets and roads shall be designed in accordance with the following—Four inches of bituminous concrete surface on top of eight inches of aggregate base course on compacted subgrade.

An Illinois Bearing Ratio of 3.0 (IBR=3.0) shall be used for the subgrade under both concrete and asphalt local streets and roads unless the developer's engineer submits subgrade soil tests justifying a different IBR. Before pavement construction begins, the entire subgrade shall be tested for density in accordance with the latest edition of the Illinois DOT Standard Specifications for Road and Bridge Construction and the latest edition of the Illinois DOT Subgrade Stability Manual.

(2) No street grade shall be less than 0.35 percent for concrete and 0.50 percent for asphalt.

(3) Except for large lot residential developments, concrete curb and gutter shall be provided.

  a. Minimum surface grades shall be as follows:

<table>
<thead>
<tr>
<th>Curb and gutter</th>
<th>0.35%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paved ditches</td>
<td>0.10%</td>
</tr>
<tr>
<td>Earth ditches</td>
<td>0.75%</td>
</tr>
</tbody>
</table>

  b. Shoulders and side slopes of ditches where curb and gutter are not required shall be as follows:

<table>
<thead>
<tr>
<th>Shoulder</th>
<th>Turf at least four feet wide for minor streets and eight feet wide for collector streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ditch backslope</td>
<td>Maximum slope of 3:1</td>
</tr>
<tr>
<td>Ditch foreslope</td>
<td>Maximum slope of 4:1</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Bottom</td>
<td>Flat, minimum two feet wide</td>
</tr>
</tbody>
</table>

In addition, erosion control shall be provided as directed by the city engineer.

(f) *Street names; street signs; and street lights.*

(1) No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the plat officer.

(2) Street name signs shall be located at all intersections, conforming to standard for the city.

(3) The street numbering system for any property shall be subject to the approval of the city clerk.

(4) Street lighting conforming to the standards adopted by the City of Macomb shall be installed at street/road intersections and at intervals of no more than 450 feet apart.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2843, § 1, 10-1-01)

Sec. 17-457. Alleys.

Alleys shall be allowed only with permission of the planning commission and city council. If constructed, alleys shall be paved full width with eight-inch monolithic concrete.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-458. Sidewalks.

(a) *Required.* Sidewalks bike/recreational paths shall be installed on lots as they are developed and all sidewalks or paths in a subdivision or planned unit development (PUD) shall be completed by the time 75 percent of the lots provided for in the plat are improved, but in no event shall sidewalks not be installed within three years of the date of plat or PUD approval by the city council.

(b) *Modification by council.* The city council may, by simple majority vote, choose to accept an alternative arrangement for installation of sidewalks in lieu of the requirement specifically stated under item (a) above. Any such alternative arrangement shall result in a benefit approximately equal in size, nature, cost and community enhancement as the aforementioned requirements under item (a) of this section.

(c) *Location.*
Publicly maintained sidewalks and bike or recreational paths shall be constructed and included within a dedicated public right-of-way area.

New sidewalks shall be located so that a parkway of not less than four feet separates the sidewalk from the curb and gutter.

**Dimensions, improvement standards.**

(1) New sidewalks shall have a required width of four feet along minor streets in single-family areas, five feet along minor streets in multifamily areas, five feet along business collector streets, and five feet along residential collector streets.

(2) Concrete curbs are required for all new streets where new sidewalks are required by these regulations.

(3) Improvement standards for new bike/recreational paths as required by the city's adopted bike plan will be determined by the specific type of path being required and the current applicable IDOT construction standards for same.

(4) New sidewalks shall be monolithic concrete four inches in thickness in location and with pitch and surfaces of one-fourth inch per one foot towards the curb. Replacement sidewalk sections shall also be four inches in thickness.

(5) The interconnection and location of all sidewalks and/or bike/recreational paths shall be reviewed and/or approved by the planning commission, city council, community development coordinator and director of public works as applicable.

(6) Ramps associated with new or replacement sidewalks shall be provided at all intersections for accessibility by the mobility-impaired.

(7) Sidewalks shall be the same thickness at driveways as the thickness of the driveway pavement.

**(e) Pedestrian access.** The planning commission may require, in order to facilitate pedestrian or bicycle access from streets or roads to schools, parks, playgrounds, bike/recreational paths or other nearby streets or roads, perpetual unobstructed easements of up to 20 feet in width. Easements shall be indicated on the plat or site plan.

**(f) Repair and replacement of sidewalks.** In the case of any redevelopment project requiring a subdivision plat or site plan, the director of public works shall, utilizing a written set of criteria, determine if any existing sidewalks abutting the development are deteriorated to the point of being in need of repair or replacement. Any segment of sidewalk determined to be in a substandard condition shall be repaired or replaced to the point of full
restoration, including compliance with ADA standards.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 09-08, § 4, 3-16-09; Ord. No. 13-43, § 2, 10-21-13)

Secs. 17-459—17-470. Reserved.

DIVISION 4. DRAINAGE AND STORM SEWERS

Sec. 17-471. Purpose.

Sec. 17-472. General requirements.

Sec. 17-473. Required public storm sewers.

Sec. 17-474. Detention basin design.

Sec. 17-475. Other considerations.

Sec. 17-476. Dedication of drainage easements.

Secs. 17-477-17-490. Reserved.

Sec. 17-471. Purpose.

These stormwater drainage regulations are intended to manage and control runoff. Stormwater shall be managed by the best and most appropriate technology and environmentally sound site planning and engineering techniques, which may include combined detention facilities, piping and swales, as well as traditional retention and detention facilities and storm sewers. The following criteria shall be used in designing and evaluating the drainage system.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-472. General requirements.

(a) The city council, planning commission and/or city staff shall not recommend for approval any preliminary or final plat of any subdivision or approve any site plan for any multiple-family residential, commercial, institutional or industrial development exceeding the thresholds as outlined below that does not make adequate provision for storm and flood water runoff. Adequate provision shall be determined by a formal storm water detention study conducted by a licensed professional engineer. The applicant may also be required by the planning commission, city council or city staff to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the development.

(b) The following development situations shall require the preparation of a complete storm water detention study certified by a licensed professional engineer:
(1) Any development that covers more than 17.5 percent of the total gross lot(s) area (lot coverage ratio or LCR) with impervious surface.

(2) Any development that, in aggregate, results in over 17,500 square feet of impervious area, regardless of LCR.

(3) Any subdivision of either more than four lots, or with a LCR greater than 17.5 percent or a total impervious area of more than 17,500 square feet.

Note: Single and two-family homes on single lots, (not part of a subdivision) and lots less than 5,000 sq. ft. in size or within the downtown area bounded by Calhoun, Jefferson, Campbell and McArthur Streets are exempted from the provisions of subsection (b) of this section.

(c) The stormwater drainage system shall be separate and independent of any sanitary sewer system.

(d) Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width. Such easements shall be in accordance with the construction standards and specifications. The drainage system of a property shall be designed to control the peak discharge from the property for the ten-year storm of critical duration and 100-year, 24-hour events to levels that will not create an increase in flooding downstream when considered in aggregate with other developed properties and downstream drainage capacities. Detention facilities shall be constructed so that the rate of release of storm water shall not exceed either the storm water runoff rate from the property in its existing state or the pro-rated capacity of existing downstream storm sewers, whichever is less. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter.

(e) Surface water drainage patterns shall be shown for each and every lot and block.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2765, § 1, 7-7-98; Ord. No. 2911, § 1, 3-18-03; Ord. No. 12-43, § 2, 8-6-12)

Sec. 17-473. Required public storm sewers.

(a) Accessibility to public storm sewers.

(1) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of stormwaters, subject to the specifications of the city engineer. However, in subdivision or developments containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision or developments and be conducted to an
approved outfall. Inspection of facilities shall be conducted by the city engineer.

(2) If a connection to a public storm sewer will be provided eventually, as determined by the city engineer and the planning commission, the developer shall make arrangements for future stormwater disposal by a public utility system at the time the plat receives final approval. The developer shall also be responsible for connecting each sump pump within the development to the storm sewer system. Provision for such connections shall be incorporated by inclusion in the subdivision or development improvement agreement required for the subdivision or development plat.

(b) Design of public storm sewers. Storm sewers, where required, shall be designed by the rational method, or other methods as approved by the planning commission, and shall convey the 10-year critical duration storm to the detention areas with the release rate as specified. A copy of design computations shall be submitted along with plans. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-474. Detention basin design.

(a) General. Detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible, to be used for recreational purposes. Storage to be provided in a detention basin shall be based on the runoff from the 100-year, 24-hour flood event. Detention storage shall be calculated using an approved hydrograph method, and a copy of design computations shall be submitted along with plans. Inlet and outlet locations should be placed as far apart as is practical. In designing outlets, the applicant shall consider the impact of downstream areas on the capacity of the basin. Velocity dissipation measures shall be incorporated into the design to minimize erosion at inlets and outlets. These could include decorative stone or wetland-type plant materials.

(b) Wet basin design. The use of wet basins for stormwater detention shall be subject to approval of the planning commission and city council. If approved, wet basins shall be at least three feet deep. The side slopes of wet basins at normal pool elevation shall not be steeper than five-to-one (horizontal to vertical). The permanent pool volume in a wet basin at normal depth shall be equal to or greater than the runoff volume from its watershed for the two year event. In addition, each wet basin shall be enclosed by a six-foot high chainlink fence.

(c) Dry basin design. Dry basins shall be designed so that 80 percent of their bottom area shall have standing water no longer than 72 hours for any runoff event less than the 100-year event. Where a single pipe is
Sec. 17-475. Other considerations.

(a) Accommodation of upstream drainage areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or development. The city engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the zoning regulations.

(b) Effect on downstream drainage areas. The city engineer shall also study the effect of each subdivision or development on existing downstream drainage facilities outside the area of the subdivision or development. Local government drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision or development will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision or development until provision has been made for the expansion of the existing downstream drainage facility. No subdivision or development shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

(c) Areas of poor drainage. Plats submitted containing areas subject to poor drainage, but located outside the 100-year floodplain, may be approved by the planning commission subject to performance of any remedial measures determined by the city engineer to be appropriate and necessary to alleviate such drainage conditions.

The plat of the subdivision or development shall provide for an overflow zone along the bank of any stream or watercourse, in a width that shall be sufficient in times of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed in the overflow zone. The boundaries of the overflow zone shall be subject to approval by the city engineer. The planning commission may deny subdivision or development approval for areas of extremely poor drainage.

The lowest building floor elevations should be at least two feet above any potential flood level as determined by the city engineer.

(d) Floodplain areas. The planning commission may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision or development of any portion of the property that lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or
damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the planning commission.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-476. Dedication of drainage easements.

(a) General requirements. When a subdivision or development is traversed by a 100-year floodplain or any other watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such floodplain or watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(b) Drainage easements.

(1) Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual, unobstructed casements at least 15 feet in width for drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall extend from the road to a natural watercourse or to other drainage facilities. Where a drainage easement is not located in the public right-of-way, it shall be owned and maintained by the lot property owner, or where applicable, a homeowner's association.

(2) When a proposed drainage system will carry water across private land outside the subdivision or development, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by a drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the planning commission.

(4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the number of lots to be utilized for average density procedures nor for computing the area requirement of any lot.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-477-17-490. Reserved.
DIVISION 5. SEWERAGE FACILITIES

Sec. 17-491. General requirements.

Sec. 17-492. Design criteria for sanitary sewers.

Secs. 17-493—17-505. Reserved.

Sec. 17-491. General requirements.

(a) **Mandatory connection to public sewer system.**

   (1) For newly platted subdivisions with access to the public sewer system, stub-up lines shall be located at each lot and shall extend at least one foot inside the property line. The location of the sewer line shall be marked by imprinting the letter "S" on the street curb, if available.

   (2) If a public sanitary sewer is accessible and placed in a street, alley or public easement abutting upon property, the owner of the property shall be required to connect to the sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain upon any such property an individual sewage disposal system.

(b) **Individual disposal system requirements.** If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of the zoning regulations and peculation tests and test holes shall be made as directed by the McDonough County Department. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the McDonough County Health Department.

(c) **Determination of adequate facilities.** The developer shall install adequate sanitary sewer facilities subject to the requirements of the wastewater superintendent. Sewer facilities shall be designed according to the criteria listed in Division 5, section 17-492(b).

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-492. Design criteria for sanitary sewers.

(a) **General guidelines.** These design criteria are not intended to cover extraordinary situations. Deviations may be allowed and in those instances when considered justified by the plat officer.

(b) **Design factors.** Sewers shall be designed in accordance with the Illinois Society of Professional Engineers' Standard Specifications for Water and Sewer Main Construction in Illinois. Materials are subject to the approval of the wastewater superintendent.
Alignment and manholes.

(1) **Alignment.** All sewers shall be laid with straight alignment between manholes, unless otherwise directed or approved by the city engineer.

(2) **Manhole location.** Manholes shall be installed at the end of each line; at all changes in grade, size, or alignment; at all pipe intersections; and at distances not greater than 500 feet for sewers 15 inches and smaller, and 600 feet for sewers 18 inches in diameter and larger.

(3) **Manholes.** The difference in elevation between any incoming sewer and the manhole invert shall not exceed 24 inches except where required to match crowns. Drop manholes will be required where elevation differences exceed 24 inches. The minimum inside diameter of manholes shall be four feet. When a smaller sewer joins a larger one, the crown of the smaller sewer shall not be lower than that of the larger one. The minimum drop through manholes shall be 0.1 feet.

Sewerage locations.

Sanitary sewers shall be located within street right-of-way unless topography dictates otherwise. When located in basements on private property, access shall be to all manholes. A manhole shall be provided at each street or alley crossing. End lines shall be extended to provide access from street or alley right-of-way when possible. Imposed loading shall be considered in all locations. Not less than three feet of cover shall be provided over the top of pipe.

Relationship to water lines.

(1) **Water supply interconnections.** There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

(2) **Relation of sewers to water mains.** Proper separation between sewer and water lines shall be maintained as required by IEPA regulations.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-493—17-505. Reserved.

DIVISION 6. WATER FACILITIES

Sec. 17-506. General requirements.

Sec. 17-507. Individual wells and central water systems.
Sec. 17-506. General requirements.

(a) The developer shall install adequate water facilities (including fire hydrants) subject to the requirements of the water superintendent. All water mains shall be at least six inches in diameter.

(b) Water main extensions shall be approved by the Illinois Environmental Protection Agency (IEPA) and the City of Macomb.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-507. Individual wells and central water systems.

(a) In zoning districts with a density of one unit per acre or less and when a public water system is not available in the discretion of the planning commission, individual wells may be used or a central water system provided in a manner so that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the health department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. Approvals shall be submitted to the planning commission prior to final subdivision plat approval.

(b) If the planning commission requires that a connection to a public water main be eventually provided as a condition for approval of an individual well or central water system, the applicant shall make arrangements prior to receiving final plat approval for future water service. Performance or cash bonds may be required to ensure compliance.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-508. Fire hydrants.

Fire hydrants of the size and type approved by the fire chief shall be provided where city water supply is available. Fire hydrants shall be spaced no more than 350 feet apart along public streets and shall be no more than 350 feet from any structure. Fire hydrants and water mains placed on private property shall be located within dedicated easements along driveways or entrance roads and be accessible to fire department vehicles. All fire hydrants installed on private property shall be the responsibility of the developer. If said developer transfers ownership of the premises prior to construction of a structure on the premises, he shall inform the property owner of the above requirement. Adequate water supply as determined by the city engineer shall be provided to all fire hydrants.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-509—17-520. Reserved.
DIVISION 7. UTILITIES

Sec. 17-521. Location.

Sec. 16-522. Easements.

Secs. 17-523—17-545. Reserved.

Sec. 17-521. Location.

Gas, electric power, telephone, and CATV cables shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the planning commission, the requirements for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 16-522. Easements.

(a) Easements centered on rear lot lines shall be provided for utilities (private and municipal) and such easements shall be at least 12 feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

(b) When topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least 12 feet in width shall be provided along side lot lines with satisfactory access to the road or rear lot lines. Easements shall be indicated on the plat.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-523—17-545. Reserved.

DIVISION 8. PRESERVATION OF EXISTING NATURAL FEATURES AND AMENITIES

Sec. 17-546. General.

Sec. 17-547. Shade trees planted by developer.

Sec. 17-548. Shade tree easement and dedication.
Secs. 17-549—17-560. Reserved.

**Sec. 17-546. General.**

Existing matures that add value to the community, such as trees, watercourses, historic spots, and similar irreplaceable assets, shall be preserved, when possible, in the design of a residential, commercial or industrial development requiring site plan review and all new residential subdivisions.

Trees of desirable species, as defined in the Arboricultural Specifications Manual of the Macomb Tree Ordinance, and in good condition with diameters of 12 inches or greater shall not be removed until their value can be assessed by a representative of the city. The city may require the trees to be retained if they add value to the residential subdivision, business or commercial development, or the community as a whole. All trees that are required to be retained shall be preserved and protected against change of grade and construction damage. The site plan shall show the location of all desirable trees with diameters of 12 inches or greater. when it is determined by the city that removal of a tree designated for protection is needed to avoid or alleviate an economic or other hardship on the developer, the city may issue a tree removal permit. The developer shall replace protected trees for which removal permits have been granted with new trees, the total aggregate caliper of all such trees used as replacements shall be equal to or exceed one-third the diameter of the protected trees so removed. In the event that the city determines full replacement would result in unreasonable crowding of trees on the lot, the city may approve alternate locations within the development or at other locations that would be beneficial to the community. Species, planting type and size shall be approved in advance by the community development coordinator and shall follow established guidelines listed in the Arboricultural Specifications Manual of the Macomb Tree Ordinance.

(Ord. No. 2750, § 2, 11-17-97)

**Sec. 17-547. Shade trees planted by developer.**

(a) As a requirement of subdivision approval the developer shall plant shade trees on the property of the subdivision. Such trees are to be planted within five feet of the right-of-way of the road or roads within and abutting the subdivision, or, at the discretion of the planning commission, within the right-of-way of such roads. One tree shall be planted for every 40 feet of frontage along each road unless the planning commission, upon recommendation of the Macomb Tree Board, shall grant a waiver. A waiver may be granted if there are trees growing along the right-of-way or on the abutting property which comply with the intent of these regulations.

(b) New trees to be provided pursuant to these regulations shall be approved in advance by the community development coordinator and shall be planted following established guidelines listed in the Macomb Tree Ordinance Arboricultural Specifications Manual. The trees shall have a minimum trunk diameter measured six inches above the ground level of not less than one and one-half inches. Only acceptable large and medium size shade trees listed
in the appendix of the Arboricultural Specifications Manual of the Macomb Tree
Ordinance shall be planted.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-548. Shade tree easement and dedication.

The preliminary plat and final plat of residential subdivisions shall reserve an
easement allowing the city to plant shade trees within five feet of the required right-of-way.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-549—17-560. Reserved.

DIVISION 9. SOIL PRESERVATION, GRADING, AND SEEDING

Sec. 17-561. Soil preservation and final grading.

Sec. 17-562. Lot drainage.

Sec. 17-563. Lawn-grass seed and sod.

Secs. 17-564—17-575. Reserved.

Sec. 17-561. Soil preservation and final grading.

Development shall be conducted in such a manner so as to avoid excessive
soil loss from the site due to erosion both during the actual construction phase and after final
grading and seeding. Temporary vegetative cover, sediment and erosion control structures
and the maintenance of vegetative filter strips along watercourses shall be implemented to
reduce erosion from the site.

No certificate of occupancy shall be issued until final grading has been
completed in accordance with the approved final subdivision plan and the lot recovered with
soil with an average depth of at least six inches containing no particles more than two inches in
diameter, except that portion covered by buildings or included in streets, or where the grade
has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed
from residential lots or used as spoil but shall be redistributed so as to provide at least six
inches of cover between the sidewalks and curbs, and shall be stabilized by seeding and
planting.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-562. Lot drainage.

Lots shall be laid out so as to provide positive drainage away from all
buildings, and individual lot drainage shall be coordinated with the general storm drainage
pattern for the area. Drainage shall be designed so as to avoid concentration of storm
drainage water from each lot to adjacent lots.
Sec. 17-563. Lawn-grass seed and sod.

All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of 25 feet behind the principal residence on the lot. No certificate of occupancy shall be issued until re-spreading of soil and seeding of lawn has been completed; except that between September 15 and March 15, and between April 15 and August 15, the applicant shall submit an agreement in writing signed by the developer and property owner, with a copy to the community development coordinator, that re-spreading of soil and seeding of lawn will be done during the immediate following planting season as set forth in this section. Sod may be used to comply with any requirement of seeding set forth herein. Lawn grass seed and sod mixtures shall follow established guidelines outlined in Arboricultural Specifications Manual of the Macomb Tree Ordinance.

Secs. 17-564—17-575. Reserved.

DIVISION 10. NONRESIDENTIAL SUBDIVISIONS

Sec. 17-576. General.

Sec. 17-577. Standards.

Secs. 17-578—17-590. Reserved.

Sec. 17-576. General.

If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to the land shall make provision as the planning commission may require. A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the zoning regulations. Site plan approval and nonresidential subdivision plat approval may proceed simultaneously at the discretion of the planning commission. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the planning commission, and shall conform to the proposed land use and standards established in the comprehensive plan, official map, and zoning regulations.

Sec. 17-577. Standards.

In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
(1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

(3) Special requirements may be imposed by the city with respect to street, curb, gutter, and sidewalk design and construction.

(4) Special requirements may be imposed by the city with respect to the installation of public utilities, including water, sewer, and stormwater drainage.

(5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

(6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential areas.

Note: Current city construction specifications for the street improvement in this section are on file with the city clerk and are hereby made a part of this chapter by reference. The specifications are adopted and modified by resolution of the council and the specifications in effect at the time of the filing for approval of the final plat shall govern.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-578—17-590. Reserved.

ARTICLE VI. ZONING DISTRICTS

DIVISION 1. GENERAL REQUIREMENTS

Sec. 17-591. Use of property.
Sec. 17-592. Control over bulk.
Sec. 17-593. Use of yards and required open space.
Sec. 17-594. Zoning of bona fide agricultural uses.
Secs. 17-595—17-605. Reserved.

Sec. 17-591. Use of property.

No building or land shall be erected, moved, altered, used or occupied without conforming to the regulations specified for the district in which it is located. A complete listing
of permitted uses within the city is included in Appendix A, Use Matrix. This matrix is referenced within the regulations for each zoning district.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-592. Control over bulk.

All new buildings and structures shall conform to the bulk requirements established within Appendix B, Bulk Matrix for the district in which each building or structure shall be located. Further, no existing building or structure shall be enlarged, reconstructed, structurally altered, converted or relocated in such a manner as to conflict with, or if already in conflict with, in such manner as to further conflict with, the bulk regulations of this chapter for the zoning district in which such building or structure shall be located.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-593. Use of yards and required open space.

No part of a yard or other required open space shall be included as a part of the yard or open space requirements for more than one building.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-594. Zoning of bona fide agricultural uses.

Notwithstanding the above, none of the following regulations with the exception of front yard requirements shall be applicable to bona fide agricultural uses as defined within this development ordinance. This shall not be construed to eliminate the need for agricultural uses to apply for and obtain necessary building permits prior to constructing, altering or moving buildings. No fee, however, shall be required for a building permit for such agricultural uses.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-595—17-605. Reserved.

DIVISION 2. ZONING DISTRICTS AND MAP

Sec. 17-606. Establishment of districts.

Sec. 17-607. Interpretation of district boundaries.

Sec. 17-608. Zoning of annexed areas.

Sec. 17-609. Zoning of vacated public ways.

Sec. 17-610. Transition yards.

Secs. 17-611—17-620. Reserved.
Sec. 17-606. Establishment of districts.

The city and contiguous area is hereby divided into the following zoning districts:

1. AG-I Agricultural (FAR 0.1)
2. R-1 One-Family Residential (FAR 0.5)
3. R-2 One-Family Residential (FAR 0.5)
4. R-3 Two-Family Residential (FAR 0.7)
5. R-4 Multiple-Family Residential (FAR 1.2)
6. RMH Residential Mobile Home (FAR 0.7)
7. R/OS Recreation/Open Space n/a
8. I Institutional (FAR 1.0)
9. B-1 Local Shopping (FAR 1.0)
10. B-2 General Business (FAR 2.0)
11. B-3 Downtown Business n/a
12. M-1 Light Manufacturing (FAR 2.0)
13. M-2 Heavy Manufacturing (FAR 5.0)
14. HPO Historic Preservation Overlay n/a
15. ASMU Adams Street Mixed Use District (FAR 1.20)
16. R3A Limited Multiple Family Residential District (FAR 0.90)

Note: FAR designates floor area ratio as defined in Article II, paragraph 15.

The boundaries of such districts shall be shown on the maps entitled "Map A, Zoning Districts, Macomb, Illinois" and "Map B, Zoning Districts, Macomb, Illinois and Contiguous Area."

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 09-36, § 2, 9-21-09; Ord. No. 10-24, § 2, 7-19-10)

Sec. 17-607. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map the following rules shall apply:

1. Where district boundaries approximately follow the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be the district
Where district boundaries approximately follow the lot lines, such lot lines shall be the district boundaries.

Where district boundaries approximately parallel the centerlines or street lines, or right-of-way lines of streets or highways, the district boundaries shall be parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

Where the boundary of a district follows a railroad line, the boundary shall be located midway between the main tracks of the railroad line.

In areas not subdivided into lots and blocks, the district boundary lines shall be determined by measurements made on the scaled map.

Sec. 17-608. Zoning of annexed areas.

All territory which may hereafter be annexed to the City of Macomb, Illinois, shall have the same district as prior to annexation until otherwise changed by ordinance.

Sec. 17-609. Zoning of vacated public ways.

Whenever any street, alley or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation.

Sec. 17-610. Transition yards.

(a) Where a lot in a business or industrial district abuts a lot in a residential district there shall be provided along such abutting lot lines a yard equal in width or depth to that required in the residential district.

(b) Where the frontage on any block is zoned partly as residential and partly as business or industrial, the yard depth in the business or industrial district along that street frontage shall be equal to the required front depth of the residential district.

(c) Where a zoning district boundary line divides a lot, the provisions of this chapter covering the more restricted portion of such lot shall be extended to the entire lot.
DIVISION 3. AGRICULTURAL (AG) DISTRICT

Sec. 17-621. Purpose.

Recognizing that Macomb, Illinois is the center of an agricultural area which contains some of the world's most productive farmland, the purpose of the agricultural district is to provide for the protection, preservation, and enhancement of the agricultural industry within the city and planning jurisdiction of Macomb, Illinois. Further, it is the intent of the city to provide appropriate mitigation of agricultural uses when such uses are in proximity to urban and particularly residential development.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-622. Permitted uses.

Permitted uses within the agricultural district include crop production, open range raising and feeding of livestock, and similar endeavors. A complete listing of permitted uses is provided in Appendix A, Use Matrix.

Residential uses are permitted, except manufactured or mobile homes, which are only permitted in the RMH, Residential Mobile Homes District.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-623. Uses permitted subject to special conditions.

Certain uses are appropriate within a district assuming appropriate mitigation measures are implemented. In the agricultural district such uses include uses which are not agriculturally related such as residential homes for the disabled and home occupations.

(1) **Home occupations.** Home occupations shall be permitted subject to the regulations of Article VII, Division 4, Home Occupations.

(2) **Residential homes for the disabled.** Community residential homes for developmentally disabled persons shall be permitted provided that such uses shall be registered with the office of building and
zoning. Such registration shall include the following:

a. Name, address, and phone number of owner.

b. Name, address, and phone number of operator.

c. Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24 hours).

d. Address and phone number of the home itself.

e. Number of residents.

f. Disability of the residents.

g. Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision)

h. Evidence that all required licenses, certifications, permits, and approvals are up to date and maintained.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-624. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. In the agricultural district such uses include intensive agricultural uses such as concentrated animal feeding operations (feedlots) and animal waste lagoons. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. A complete listing of special uses is provided in Appendix A, Use Matrix.

(1) Medical cannabis cultivation center but only under the following conditions:

a. No such cultivation center shall be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, place of worship, or an area zoned for residential use.

b. No person shall reside in or permit any person to reside in a cultivation center.

c. No person under the age of 18 shall be allowed to enter a cultivation center unless accompanied by a parent or guardian.
d. Consumption of medical cannabis on the premises, including the parking area shall be prohibited.

e. Any such cultivation center shall be operated in compliance with applicable state and local laws and regulations.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 14-35, § 2, 8-18-14)

Sec. 17-625. Bulk requirements.

The development regulations which apply to the agricultural district are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-626—17-635. Reserved.

DIVISION 4. R-1 AND R-2 ONE-FAMILY RESIDENTIAL DISTRICTS

Sec. 17-636. Purpose.

Sec. 17-637. Permitted uses.

Sec. 17-638. Uses permitted subject to special conditions.

Sec. 17-639. Special uses.

Sec. 17-640. Bulk requirements.

Secs. 17-641—17-650. Reserved.

Sec. 17-636. Purpose.

The purpose of the R-1 and R-2 One Family Residential Districts is to provide appropriate locations for the creation of neighborhood areas for residential living at levels adequately serviced by public utilities and consistent with the comprehensive plan.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-637. Permitted uses.

Permitted uses within the R-1 and R-2 One-Family Residential Districts include one family residential structures, excluding mobile and manufactured homes. A complete listing of uses permitted within the R-1 and R-2 districts is provided in Appendix A, Use Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-638. Uses permitted subject to special conditions.

Many uses are compatible with one family residential uses if appropriate
mitigation measures are taken. In the R-1 and R-2 One-Family Residential Districts, such uses include parks, playgrounds, homes for the disabled, and similar uses which benefit from proximity to residential uses. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

(1) **Accessory uses and structures.** Accessory uses and structures shall be permitted subject to the regulations of Article VII, Division 4, Accessory Uses and Structures.

(2) **Community residential homes for developmentally disabled persons.** Community residential homes for developmentally disabled persons shall be permitted provided that such uses shall be registered with the office of building and zoning. Such registration shall include the following:

a. Name, address, and phone number of owner.

b. Name, address, and phone number of operator.

c. Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24 hours).

d. Address and phone number of the home itself.

e. Number of residents.

f. Disability of the residents.

g. Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision).

h. Evidence that all required licenses, certifications, permits, and approvals are up to date and maintained.

(3) **Home occupations.** Home occupations shall be permitted subject to the regulations of section 17-906, Home Occupations.

(4) **Parks and playgrounds, picnic grounds, and forest preserves.** Parks, playgrounds, picnic grounds, and forest preserves shall be permitted provided that any structures for such uses be located at least 50 feet from any other lot in any residential district.

*(Ord. No. 2750, § 2, 11-17-97)*

**Sec. 17-639. Special uses.**

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. In the R-1
and R-2 One-Family Residential Districts, such uses include smaller scale institutions such as places of worship, schools, libraries, and community centers, or service businesses such as recreation centers; and commercial agricultural uses such as nurseries and farming. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. A complete listing of special uses is provided in Appendix A, Use Matrix. In addition, the following conditions shall apply to the following uses:

(1) **Places of worship and similar uses.** Places of worship, parish houses, convents, and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residence district.

(2) **Other institutional and service business uses.** The following uses may be permitted provided that such uses receive special use approval and provided that any structures for such uses be located at least 50 feet from any other lot in any residential district:

   a. Schools, public, parochial, or private.
   b. Libraries, museums, and art galleries.
   c. Governmental administrative or service buildings.
   d. Community buildings.
   e. Day care centers.
   f. Recreation center/facility.

(3) **Nurseries, truck gardening, and the raising of farm crops.** Nurseries, truck gardening, and the raising of farm crops may be permitted provided that such uses receive special use approval and provided that:

   a. Such uses shall not include the raising of any poultry, pets, or livestock; and
   b. No building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.

(4) **Single family attached R-2.** A single family attached residential dwelling may be permitted in the R-2 One Family Residential District as a special use provided that there shall be only one residential dwelling unit per parcel, with only two units attached maximum, and the development regulations for the R-1 One Family Residential District as contained within Appendix B Bulk Matrix, are to apply to both units and to both parcels. The single family attached dwelling Special Use in an R-2 One Family District shall only be available for new construction commencing after March 1, 2016. New construction, for the purposes of this section, shall mean the construction of entirely new structures with the site not having been previously occupied, and if the site has a pre-existing structure, the pre-existing structure
shall be removed in its entirety prior to construction of single family attached dwelling.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 16-19, § 2, 7-5-16; Ord. No. 17-29, § 2, 11-20-17)

Sec. 17-640. Bulk requirements.

The development regulations which apply to the R-1 and R-2, One-Family Residential Districts are listed within Appendix B, Bulk Matrix. The following shall also apply:

(1) **Nonconforming front yards in R-1 District.** In the R-1 District, a dwelling unit constructed on a block which is improved with dwelling units that have observed a front yard depth less than the requirements of this development ordinance, as amended, may provide a front yard depth the same as, but not less than, the building immediately adjacent to either side of the proposed building structure.

(2) **Corner side yards.** Corner side yards shall have the same dimension as the minimum required front yard except that the buildable width of such lot shall not be reduced to less than 32 feet. No accessory building shall project beyond the front yard line on either street.

(3) **Special use single family attached dwelling.** In the R-2 District, if a single family attached dwelling unit is to be permitted by Special Use, the development regulations for the R-1 One Family Residential District, as contained within Appendix B Bulk Matrix, are to apply.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 16-19, § 3, 7-5-16)

Secs. 17-641—17-650. Reserved.

DIVISION 5. R-3 TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 17-651. Purpose.

Sec. 17-652. Permitted uses.

Sec. 17-653. Uses permitted subject to special conditions.

Sec. 17-654. Special uses.

Sec. 17-655. Bulk requirements.

Secs. 17-656—17-665. Reserved.

Sec. 17-651. Purpose.

The purpose of the R-3 Two-Family Residential District is to provide appropriate locations for the creation of neighborhood areas for residential living at levels adequately serviced by public utilities and consistent with the comprehensive plan.
Sec. 17-652. Permitted uses.

Permitted uses within the R-3, Two-Family Residential District include one- and two-family residential structures, excluding mobile and manufactured homes. A complete listing of uses permitted within the R-3 district is provided in Appendix A, Use Matrix.

Sec. 17-653. Uses permitted subject to special conditions.

Many uses are compatible with one-family residential uses if appropriate mitigation measures are taken. In the R-3 Two-Family Residential District, such uses include parks, playgrounds, homes for the disabled, and similar uses which benefit from proximity to residential uses. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

1. **Accessory uses and structures.** Accessory uses and structures shall be permitted subject to the regulations of Article VII, Division 4, Accessory Uses and Structures.

2. **Community residential homes for developmentally disabled persons.** Community residential homes for developmentally disabled persons shall be permitted provided that such uses shall be registered with the office of building and zoning. Such registration shall include the following:
   - a. Name, address, and phone number of owner.
   - b. Name, address, and phone number of operator.
   - c. Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24 hours).
   - d. Address and phone number of the home itself.
   - e. Number of residents.
   - f. Disability of the residents.
   - g. Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision)
   - h. Evidence that all required licenses, certifications, permits, and approvals are up to date and maintained.

3. **Home occupations.** Home occupations shall be
permitted subject to the regulations of section 17-907, Home Occupations.

(4) Parks and playgrounds, picnic grounds, and forest preserves. Parks, playgrounds, picnic grounds, and forest preserves shall be permitted provided that any structures for such uses be located at least 50 feet from any other lot in any residential district.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-654. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. In the R-3 Two-Family Residential District, such uses include smaller scale institutions such as places of worship, schools, libraries, and community centers, or service businesses such as recreation centers; commercial agricultural uses such as nurseries and farming; and artificial lakes. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. A complete listing of special uses is provided in Appendix A, Use Matrix. In addition, the following conditions shall apply to the following uses:

(1) Places of worship and similar uses. Places of worship, parish houses, convents, and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residence district.

(2) Other institutional and service business uses. The following uses may be permitted provided that such uses receive special use approval and provided that any structures for such uses be located at least 50 feet from any other lot in any residential district:

a. Schools, public, parochial, or private.

b. Libraries, museums, and art galleries.

c. Governmental administrative or service buildings.

d. Community buildings.

e. Day care centers.

f. Recreation center/facility.

(3) Nurseries, truck gardening, and the raising of farm crops. Nurseries, truck gardening, and the raising of farm crops may be permitted provided that such uses receive special use approval and provided that:

a. Such uses shall not include the raising of any poultry, pets, or livestock; and

b. No building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.
Artificial lakes. Artificial lakes may be permitted provided that such uses receive special use approval.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 17-29, § 3, 11-20-17)

Sec. 17-655. Bulk requirements.

The development regulations which apply to the R-3 Two-Family Residential Districts are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-656—17-665. Reserved.

DIVISION 6. R-4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Sec. 17-666. Purpose.

The purpose of the R-4 Multiple-Family Residential districts is to provide appropriate locations for the creation of neighborhood areas for residential living at higher density levels adequately served by public utilities and consistent with the comprehensive plan.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-667. Permitted uses.

Permitted uses within the R-4 Multiple-Family Residential district include multiple-family residential structures and limited numbers of one- and two-family residential structures, excluding mobile and manufactured homes. A complete listing of uses permitted within the R-4 district is provided in Appendix A, Use Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-668. Uses permitted subject to special conditions.

Many uses are compatible with multiple-family residential uses if appropriate mitigation measures are taken. In the R-4 Multiple-Family Residential District, such uses include parks, playgrounds, homes for the disabled, and similar uses which benefit from
proximity to residential uses. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

(1) Accessory uses and structures. Accessory uses and structures shall be permitted subject to the regulations of Article VII, Division 4, Accessory Uses and Structures.

(2) Clubs or lodges, nonprofit. Clubs or lodges may be permitted in the R-4 District subject to the following:

a. The chief activity of such uses shall be services which are not provided for profit or gain;

b. Dining rooms operated in conjunction with the club or lodge shall be incidental to such club or lodge and operated for its members only; and

c. No sign shall advertise dining rooms operated in conjunction with the club or lodge.

(3) Community residential homes for developmentally disabled persons. Community residential homes for developmentally disabled persons shall be permitted provided that such uses shall be registered with the office of building and zoning. Such registration shall include the following:

a. Name, address, and phone number of owner.

b. Name, address, and phone number of operator.

c. Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24 hours).

d. Address and phone number of the home itself.

e. Number of residents.

f. Disability of the residents.

g. Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision)

h. Evidence that all required licenses, certifications, permits, and approvals are up to date and maintained.

(4) Home occupations. Home occupations shall be permitted subject to the regulations of section 17-907, Home Occupations.

(5) Parks and playgrounds, picnic grounds, and forest
Sec. 17-669. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. In the R-4 Multiple-Family Residential District such uses include smaller scale institutions such as places of worship, schools, libraries, and community centers, or service businesses such as recreation centers; commercial agricultural uses such as nurseries and farming; communal residences and health care facilities; artificial lakes; and parking structures. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. A complete listing of special uses is provided in Appendix A, Use Matrix. In addition, the following conditions shall apply to the following uses:

(1) **Artificial lakes.** Artificial lakes may be permitted provided that such uses receive special use approval.

(2) **Fraternities, sororities, and other communal residences.** Fraternities, sororities and similar communal residences may be permitted within the R-4 District provided that such uses receive special use approval and provided that no such residence shall be permitted within 200 feet of a one-family residential district.

(3) **Hospitals, sanitariums, rest homes, philanthropic, and charitable institutions.** Hospitals, sanitariums, rest homes, philanthropic and charitable institutions, and similar uses may be permitted in the R-4 District provided that such uses receive special use approval and subject to the following:
   a. Such uses shall have a minimum lot size of one acre (43,560 square feet); and
   b. No part or portion of such use be permitted within 50 feet of any street or lot line.

(4) **Nurseries, truck gardening, and the raising of farm crops.** Nurseries, truck gardening, and the raising of farm crops may be permitted provided that such uses receive special use approval and provided that:
   a. Such uses shall not include the raising of any poultry, pets, or livestock; and
   b. No building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.

(5) **Parking structures.** Parking structures may be permitted provided that such uses receive special use approval.
(6) Places of worship and similar uses. Places of worship, parish houses, convents, and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residence district.

(7) Other institutional and service business uses. The following uses may be permitted provided that such uses receive special use approval and provided that any structures for such uses be located at least 50 feet from any other lot in any residential district:

a. Schools, public, parochial, or private.

b. Libraries, museums, and art galleries.

c. Governmental administrative or service buildings.

d. Community buildings.

e. Day care centers.

f. Recreation center/facility.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 17-29, § 4, 11-20-17)

Sec. 17-670. Bulk requirements.

The development regulations which apply to the RA Multiple-Family Residential District are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97)


DIVISION 7. RMH RESIDENTIAL MOBILE HOME DISTRICT

Sec. 17-681. Purpose.

Sec. 17-682. Permitted uses.

Sec. 17-683. Uses permitted subject to special conditions.

Sec. 17-684. Special uses.

Sec. 17-685. Bulk requirements.

Sec. 17-686. Special requirements.

Secs. 17-687—17-700. Reserved.

Sec. 17-681. Purpose.

The purpose of the RMH Residential Mobile Home District is to provide
appropriate Locations for individual mobile/manufactured homes and mobile/manufactured home parks which are adequately served by public utilities and consistent with the comprehensive plan.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-682. Permitted uses.

Permitted uses within the RMH Residential Mobile Home District include individual mobile/manufactured homes and mobile/manufactured home parks. A complete listing of uses permitted within the RMH district is provided in Appendix A, Use Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-683. Uses permitted subject to special conditions.

Certain uses are compatible with mobile/manufactured homes if appropriate mitigation measures are taken. In the RMH Residential Mobile Home District, such uses include parks and playgrounds, homes for the disabled, clubs, and similar uses which benefit from proximity to residential uses. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

(1) **Accessory uses and structures.** Accessory uses and structures shall be permitted subject to the regulations of Article VII, Division 4, Accessory Uses and Structures.

(2) **Clubs or lodges, nonprofit.** Clubs or lodges may be permitted in the RMH District subject to the following:

   a. The chief activity of such uses shall be services which are not provided for profit or gain;

   b. Dining rooms operated in conjunction with the club or lodge shall be incidental to such club or lodge and operated for its members only; and

   c. No sign shall advertise dining rooms operated in conjunction with the club or lodge.

(3) **Community residential home for developmentally disabled persons.** Community residential homes for developmentally disabled persons shall be permitted provided that such uses shall be registered with the office of building and zoning. Such registration shall include the following:

   a. Name, address, and phone number of owner.

   b. Name, address, and phone number of operator.

   c. Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24
hours).

d. Address and phone number of the home itself.
e. Number of residents.
f. Disability of the residents.
g. Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision)
h. Evidence that all required licenses, certifications, permits, and approvals are up to date and maintained.

(4) **Home occupations.** Home occupations shall be permitted subject to the regulations of section 17-907, Home Occupations.

(5) **Parks and playgrounds, picnic grounds, and forest preserves.** Parks, playgrounds, picnic grounds, and forest preserves shall be permitted provided that any structures for such uses be located at least 50 feet from any other lot in any residential district.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-684. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. In addition, the following conditions shall apply to the following uses:

(1) **Artificial lakes.** Artificial lakes may be permitted provided that such uses receive special use approval.

(2) **Nurseries, truck gardening, and the raising of farm crops.** Nurseries, truck gardening, and the raising of farm crops may be permitted provided that such uses receive special use approval and provided that:

   a. Such uses shall not include the raising of any poultry, pets, or livestock; and

   b. No building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.

(3) **Places of worship and similar uses.** Places of worship, parish houses, convents, and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residence district.

(4) **Other institutional uses.** The following uses
may be permitted provided that such uses receive special use approval and
provided that any structures for such uses be located at least 50 feet from any
other lot in any residential district:

a. Schools, public, parochial, or private.
b. Libraries, museums, and art galleries.
c. Governmental administrative or
   service buildings
d. Community buildings.
e. Day care centers.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-685. Bulk requirements.

The development regulations which apply to the RMH Residential Mobile
Housing District are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-686. Special requirements.

Residential mobile home districts shall be subject to the following standards:

(1) Mobile/manufactured homes shall conform to all the requirements set forth in Article VII, Division 4, section 17-909, Mobile Home Standards.

(2) Common open space equal to 250 square feet per home shall be provided in common locations within the park. The minimum size of such open spaces shall be 10,000 square feet.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-687—17-700. Reserved.

DIVISION 8. RECREATION/OPEN SPACE (ROS) DISTRICT

Sec. 17-701. Purpose.
Sec. 17-702. Permitted uses.
Sec. 17-703. Uses permitted subject to special conditions.
Sec. 17-704. Special uses.
Sec. 17-705. Bulk requirements.
Secs. 17-706—17-715. Reserved.
Sec. 17-701. Purpose.

In the interest of providing areas which are reserved for open space and also desiring to protect existing recreational resources and open spaces from future development, the city institutes this district to provide for the adequate supply of recreational lands and to assist with the conservation of significant areas of open space.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-702. Permitted uses.

Permitted uses within the Recreation/Open Space (ROS) District include parks, playgrounds, forest preserves, nature centers, artificial lakes, and similar endeavors. A complete listing of permitted uses is provided in Appendix A, Use Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-703. Uses permitted subject to special conditions.

At this time, there are no uses within the ROS District which are subject to special conditions.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-704. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. A complete listing of special uses is provided in Appendix A, Use Matrix. Special uses in the ROS District include the open range raising of livestock.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-705. Bulk requirements.

The development regulations which apply to the agricultural district are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-706—17-715. Reserved.

DIVISION 9. OFFICE/INSTITUTIONAL (O/I) DISTRICT

Sec. 17-716. Purpose.

Sec. 17-717. Permitted uses.
Sec. 17-716. Purpose.

Recognizing that Macomb is home to Western Illinois University, the County Seat of McDonough County and is a regional medical and commercial center, the Office/Institutional District is primarily intended to provide adequate lands for university campus, professional offices and governmental buildings where such concentrations of uses are desirable.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-43, § 2, 11-20-07)

Sec. 17-717. Permitted uses.

Permitted uses within the Institutional District include universities, locally based primary and secondary schools, governmental buildings, medical and professional offices, places of worship, hospitals and other large institutions. A complete listing of permitted uses is provided in Appendix A, Use Matrix.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-43, § 3, 11-20-07)

Sec. 17-718. Uses permitted subject to special conditions.

At this time, there are no uses within the O/I District which are subject to special conditions.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-43, § 4, 11-20-07)

Sec. 17-719. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. A complete listing of special uses is provided in Appendix A, Use Matrix.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-43, § 5, 11-20-07)

Sec. 17-720. Bulk requirements.

The development regulations which apply to the Office/Institutional District are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-43, § 6, 11-20-07)
Secs. 17-721—17-730. Reserved.

DIVISION 10. B-1 LOCAL SHOPPING DISTRICTS

Sec. 17-731. Purpose.

The purpose of the B-1 Local Shopping District is to provide small scale pedestrian oriented shopping opportunities within close proximity to the residential neighborhood that the district serves.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-732. Permitted uses.

Permitted uses in the B-1 Local Shopping District include such small scale uses as retail stores, bakeries, markets, video stores, personal services, professional offices, taverns (without live music or dancing) and automatic teller machines. A complete listing of permitted uses is provided in Appendix A, Use Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-733. Uses permitted subject to special conditions.

Certain uses may be compatible with the neighborhood oriented purposes of the B-1 Local Shopping District if appropriate mitigation of impacts is provided. Such uses include commercial uses which can be of a more intensive nature, if not properly controlled. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

(1) Accessory uses and structures. Accessory uses and structures shall be permitted subject to the regulations of Article VII, Division 4, Accessory Uses and Structures.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-734. Special uses.

(a) Special uses are uses which are permitted when
authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. A complete list of special uses is found in Appendix A, Use Matrix.

(b) Places of worship and similar uses. Places of worship, parish houses, convents, and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residential district.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-10, § 3, 3-6-07)

Sec. 17-735. Bulk requirements.

The development regulations which apply to the B-1 Local Shopping District are listed within Appendix B, Bulk Matrix. The following shall also apply:

(1) Rear yard conditions. When a rear lot line abuts an alley, one-half the width of such alley may be counted toward satisfaction of the rear yard requirements.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-736—17-745. Reserved.

DIVISION 11. B-2 GENERAL BUSINESS DISTRICTS

Sec. 17-746. Purpose.

Sec. 17-747. Permitted uses.

Sec. 17-748. Uses permitted subject to special conditions.

Sec. 17-749. Special uses.

Sec. 17-750. Bulk requirements.

Secs. 17-751—17-760. Reserved.

Sec. 17-746. Purpose.

The purpose of the B-2 General Business district is to accommodate areas for general commercial services within the community where sufficient infrastructure is available and where consistent with the Comprehensive Plan.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-747. Permitted uses.

Permitted uses in the B-2 General Business District include commercial
activities and services including retail stores, offices, restaurants theaters, commercial recreational centers, and personal services. A complete listing of permitted uses is provided in Appendix A, Use Matrix.

The asterisk designation for a permitted use indicates that such use is allowed only by a special use issuance, pursuant to section 17-749, in the following B-2 geographical areas: the area bounded by Calhoun, Carroll, Campbell and McArthur Streets; and the area bounded by Washington, Jefferson, Campbell and McArthur Streets.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 13-36, § 2, 9-3-13)

Sec. 17-748. Uses permitted subject to special conditions.

Many uses are compatible with the community-oriented purposes of the B-2 General Business District with appropriate mitigation of impacts. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

(1) Accessory uses and structures. Accessory uses and structures shall be permitted subject to the regulations of Article VII, Division 4, Accessory Uses and Structures.

(2) Adult uses. Adult uses are permitted within the B-2 District provided that such uses receive special use approval and provided that no adult uses shall be located within 1,000 feet of a residential district, place of worship, or school.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-749. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A list of such special uses is included in Appendix A, Use Matrix. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. In addition, the following conditions shall apply to the following uses:

(1) Business uses not generally permitted. Business uses not generally permitted in the B-2 District may be permitted provided that such uses receive special use approval and provided that:

a. Such uses shall be operated in conjunction with a permitted principal use which is conducted by the owner of record.

b. Special use approval shall expire at the time of sale or transfer of the title of the property or at any time the usage of said use shall lapse for a period in excess of six months.

(2) Large scale commercial development. Large scale commercial uses (parcels exceeding two acres) are permitted within the B-2 District provided that such uses receive special use approval. Commercial
uses on parcels exceeding two acres shall be required to keep the site design in proportion to the block size of commercial areas in the downtown district. Such commercial development shall also design the on-site vehicular circulation system to match a traditional block design with sidewalks, small block size, and urban design which allows pedestrians to access the building from off-site without crossing off-street parking areas.

(3) **Places of worship and similar uses.** Places of worship, parish houses, convents, and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residence district.

(4) **Medical cannabis dispensing organization.** Medical cannabis dispensing organization but only under the following conditions:

a. No such dispensing organization shall be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, public park, or place of worship.

b. No dispensing organization shall be located in a house, apartment, condominium or physician's office.

c. No person shall reside in or permit any person to reside in a dispensing organization.

d. No person under the age of 18 shall be allowed to enter a dispensing organization unless accompanied by a parent or guardian.

e. Drive-through services shall be prohibited.

f. Outdoor seating areas shall be prohibited.

g. Consumption of medical cannabis on the premises, including the parking area shall be prohibited.

h. Hours of operation shall be not earlier than 8:00 a.m. and not later than 7:00 p.m.

i. Any such dispensing organization shall be operated in compliance with applicable state and local laws and regulations.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-10, § 4, 3-6-07; Ord. No. 14-35, § 4, 8-18-14)

**Sec. 17-750. Bulk requirements.**
The development regulations which apply to the B-2 General Business District are listed within Appendix B, Bulk Matrix. The following shall also apply:

(1) Rear yard conditions. When a rear lot line abuts an alley, one-half the width of such alley may be counted toward satisfaction of the rear yard requirements.

(2) Downtown conditions. The B-3 Bulk requirements as listed within Appendix B, Bulk Matrix, shall apply to the following B-2 District geographic areas: the area bounded by Calhoun, Carroll, Campbell and McArthur Streets; and the area bounded by Washington, Jefferson, Campbell and McArthur Streets.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 13-36, § 3, 9-3-13)

Secs. 17-751—17-760. Reserved.

DIVISION 12. B-3 DOWNTOWN BUSINESS DISTRICT

Sec. 17-761. Purpose.

Sec. 17-762. Permitted uses.

Sec. 17-763. Uses permitted subject to special conditions.

Sec. 17-764. Special uses.

Sec. 17-765. Bulk requirements.

Sec. 17-766. Curb cuts/parking.

Sec. 17-767. Design standards.

Secs. 17-768—17-780. Reserved.

Sec. 17-761. Purpose.

The purpose of the Downtown Business District is to recognize the distinct character of Macomb's downtown by reinforcing the historical form of the city. The district has a unique physical pattern with buildings built to the lot line and a continuous band of storefronts, which contribute to the district's pedestrian character. These district regulations: 1) prevent development that would be incompatible with pedestrian orientation of the district, 2) include the common street line, bulk, and architectural features of the district, and 3) eliminate incentives for demolishing existing buildings. The Downtown District is the area bounded by Campbell Street on the east, Calhoun Street on the north, McArthur Street on the west, and Jefferson Street on the south.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-762. Permitted uses.
The uses permitted in the B-3 Downtown Business District include businesses catering to the daily shopping needs of city residents as well as services provided in Macomb’s role as the seat of McDonough County such as specialty stores that provide retail opportunities with broad market appeal, retail and professional service uses, and financial institutions, as well as residential dwellings (above the first floor) and parking structures.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-763. Uses permitted subject to special conditions.

Existing buildings may not be converted to special uses without review by the planning commission. Conversions to special uses must preserve the existing front and side facades of buildings within the district.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-764. Special uses.

(a) Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter.

Application for a special use triggers the design standards found in the historic preservation overlay district.

(b) Places of worship and similar uses. Places of worship, parish houses, convents, and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residence district.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-10, § 5, 3-6-07)

Sec. 17-765. Bulk requirements.

The development regulations which apply to the B-3 Downtown Business District are listed within Appendix B, Bulk Matrix. The bulk requirements are structured to reflect existing conditions in the Downtown Business District, and to eliminate incentives for demolition.

No individual use in this district should exceed a ground floor area exceeding the originally platted block on which it is located.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-766. Curb cuts/parking.

No additional curb cuts shall be allowed in this district.

(Ord. No. 2750, § 2, 11-17-97)
**Sec. 17-767. Design standards.**

New construction, alterations, and additions of structures in this district are subject to design review as described in Chapter 13, Historic Preservation Overlay District.

*(Ord. No. 2750, § 2, 11-17-97)*

**Secs. 17-768—17-780. Reserved.**

**DIVISION 13. M-1 LIGHT MANUFACTURING DISTRICT**

**Sec. 17-781. Purpose.**

The purpose of the M-1 Light Manufacturing District is to provide locations within the city which are suitable for light manufacturing and industrial purposes. Certain areas, due to their size or location, may also be appropriate for general commercial uses which would be inappropriate in other areas of the city due to their size and intensity. The district regulations seek to provide opportunities for industrial and manufacturing uses while maintaining the integrity, safety, and enjoyment of Macomb's residential areas.

*(Ord. No. 2750, § 2, 11-17-97)*

**Sec. 17-782. Permitted uses.**

The M-1 Light Manufacturing District permits the range of general business uses as well as restricted manufacturing and wholesaling. Uses in this district are restricted to enclosed buildings. A complete listing of permitted uses is provided in Appendix A, Use Matrix.

*(Ord. No. 2750, § 2, 11-17-97)*

**Sec. 17-783. Uses permitted subject to special conditions.**

Many uses are compatible with the low intensity nature of the M-1 Manufacturing District with appropriate mitigation of impacts. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

(1) *Light manufacturing.* Light manufacturing uses
shall be permitted in the M-1 Light Manufacturing District provided that such uses shall not be established without an application for a permit which shall be accompanied by evidence indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise. Such application for permits shall be approved by the zoning enforcing officer only in the event that the evidence accompanying the application indicates that the operation of such uses will not be obnoxious or offensive.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-784. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. In addition, the following conditions shall apply to the following uses:

(1) **Uses, business related, not generally permitted.** Business related uses not generally permitted in the B-2 District may be permitted subject to the following:

   a. Such uses shall be operated in conjunction with a permitted principal use which is conducted by the owner of record.

   b. Such uses shall receive special use approval; and

   c. Said special use approval shall expire at the time of sale or transfer of the title of the property or at any time the usage of said use shall lapse for a period in excess of six months.

(2) **Medical cannabis dispensing organization.** Medical cannabis dispensing organization but only under the following conditions:

   a. No such dispensing organization shall be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, public park, or place of worship.

   b. No dispensing organization shall be located in a house, apartment, condominium or physician's office.

   c. No person shall reside in or permit any person to reside in a dispensing organization.

   d. No person under the age of 18 shall be allowed to enter a dispensing organization unless accompanied by a parent or guardian.
e. Drive-through services shall be prohibited.

f. Outdoor seating areas shall be prohibited.

g. Consumption of medical cannabis on the premises, including the parking area shall be prohibited.

h. Hours of operation shall be not earlier than 8:00 a.m. and not later than 7:00 p.m.

i. Any such dispensing organization shall be operated in compliance with applicable state and local laws and regulations.

Ord. No. 2750, § 2, 11-17-97; Ord. No. 14-35, § 5, 8-18-14)

Sec. 17-785. Bulk requirements.

The development regulations which apply to the M-1 Light Manufacturing District are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-786—17-800. Reserved.

DIVISION 14. M-2 GENERAL MANUFACTURING DISTRICT

Sec. 17-801. Purpose.

The purpose of the M-2 General Manufacturing District is to provide areas suitable for manufacturing and industrial processes. Additionally, the district provides for the placement of selected wholesale/retail products, service businesses, utilities and recreational facilities deemed to not be incompatible with manufacturing uses. The district regulations seek to provide opportunities for industrial, manufacturing, and other appropriate uses while maintaining the integrity, safety, and enjoyment of Macomb's residential areas.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 08-33, § 2, 7-7-08)
Sec. 17-802. Permitted uses.

The M-2 General Manufacturing District is intended for manufacturing uses which require large amounts of space or intensive industrial processes and also for other selected commercial, light industrial or recreational uses considered to be compatible within a general manufactured setting. It is not intended for uses which represent a threat to the health, safety, welfare, or comfort of the residents of the city. A complete Listing of permitted uses is provided in Appendix A, Use Matrix.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 08-33, § 3, 7-7-08)

Sec. 17-803. Uses permitted subject to special conditions.

Certain uses are compatible with the nature of the M-2 General Manufacturing District with appropriate mitigation of impacts. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-804. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. In addition, the following conditions shall apply to the following uses:

(1) Salvage, junk, and automobile wrecking yards.
Salvage, junk, and automobile wrecking yards may be permitted subject to the following:

a. Such uses shall receive special use approval;
b. They shall not be located closer than 1,000 feet to any residential district;
c. They shall be enclosed on all sides with a properly maintained opaque tight fence not less than 8 feet high; and
d. Such use shall not be visible from the nearest existing public street or highway.

(2) Medical cannabis cultivation center.
Medical cannabis cultivation center but only under the following conditions:

a. No such cultivation center shall be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center,
day care home, group day care home, part day child care facility, place of worship, or an area zoned for residential use.

b. No person shall reside in or permit any person to reside in a cultivation center.

c. No person under the age of 18 shall be allowed to enter a cultivation center unless accompanied by a parent or guardian.

d. Consumption of medical cannabis on the premises, including the parking area shall be prohibited.

e. Any such cultivation center shall be operated in compliance with applicable state and local laws and regulations.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 14-35, § 3, 8-18-14)

Sec. 17-805. Bulk requirements.

The development regulations which apply to the M-2 General Manufacturing District are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-806—17-815. Reserved.

DIVISION 15. R-3A LIMITED MULTIPLE FAMILY RESIDENTIAL DISTRICT

Sec. 17-816. Purpose.

Sec. 17-817. Permitted uses.

Sec. 17-818. Uses permitted subject to special conditions.

Sec. 17-819. Special uses.

Sec. 17-820. Bulk requirements.

Secs. 17-821—17-835. Reserved.

Sec. 17-816. Purpose.

The purpose of the R-3A Limited Multiple Family Residential District is to provide appropriate locations for the creation of neighborhood areas for residential living at levels adequately serviced by public utilities and consistent with the comprehensive plan.

(Ord. No. 10-24, § 3, 7-19-10)

Sec. 17-817. Permitted uses.
Permitted uses within the R-3A Limited Multiple Family Residential District include up to four family residential structures, excluding mobile and manufactured homes. A complete listing of uses permitted within the R-3 district is provided in Appendix A, Use Matrix.

(Ord. No. 10-24, § 4, 7-19-10)

Sec. 17-818. Uses permitted subject to special conditions.

Many uses are compatible with residential uses if appropriate mitigation measures are taken. In the R-3A Limited Multiple Family Residential District, such uses include parks, playgrounds, homes for the disabled, and similar uses which benefit from proximity to residential uses. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below:

1. **Accessory uses and structures.** Accessory uses and structures shall be permitted subject to the regulations of article VII, division 4, accessory uses and structures.

2. **Community residential homes for developmentally disabled persons.** Community residential homes for developmentally disabled persons shall be permitted provided that such uses shall be registered with the office of building and zoning. Such registration shall include the following:
   a. Name, address, and phone number of owner.
   b. Name, address, and phone number of operator.
   c. Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24 hours).
   d. Address and phone number of the home itself.
   e. Number of residents.
   f. Disability of the residents.
   g. Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision).
   h. Evidence that all required licenses, certifications, permits and approvals are up to date and maintained.

3. **Home occupations.** Home occupations shall be permitted subject to the regulations of section 17-907, home occupations.

4. **Parks and playgrounds, picnic grounds, and forest preserves.** Parks, playgrounds, picnic grounds, and forest preserves
shall be permitted provided that any structures for such uses be located at least 50 feet from any other lot in any residential district.

(Ord. No. 10-24, § 5, 7-19-10)

Sec. 17-819. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. In the R-3A Limited Multiple Family Residential District, such uses include smaller scale institutions such as places of worship, schools, libraries and community centers, or service businesses such as recreation centers; commercial agricultural uses such as nurseries and farming; and artificial lakes. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter. A complete listing of special uses is provided in Appendix A, Use Matrix. In addition, the following conditions shall apply to the following uses:

(1) **Places of worship and similar uses.** Places of worship, parish houses, convents and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residential district.

(2) **Other institutional and service business uses.** The following uses may be permitted provided that such uses receive special use approval and provided that any structures for such uses be located at least 50 feet from any other lot in any residential district:

   a. Schools, public, parochial, or private.
   b. Libraries, museums, and art galleries.
   c. Governmental administrative or service buildings.
   d. Community buildings.
   e. Day care centers.
   f. Recreation center/facility.

(3) **Nurseries, truck gardening, and the raising of farm crops.** Nurseries, truck gardening, and the raising of farm crops may be permitted provided that such uses receive special use approval and provided that:

   a. Such uses shall not include the raising of any poultry, pets, or livestock; and
   b. No building shall be erected or maintained on the property which is used for the sole purpose of selling the products grown or raised.

(4) **Artificial lakes.** Artificial lakes may be permitted provided that such uses receive special use approval.
Sec. 17-820. Bulk requirements.

The development regulations which apply to the R-3A Limited Multiple Family Residential District are listed within Appendix B, Bulk Matrix.

Secs. 17-821—17-835. Reserved.

DIVISION 16. ADAMS STREET MIXED USE DISTRICT

Sec. 17-836. Purpose.

The purpose of the Adams Street Mixed Use District is to provide this significant entryway to Western Illinois University with appropriate standards and guidelines to assure its quality development and to permit some flexibility given its unique relationships to the university. It is also intended to focus the location of selected commercial and multi-family uses on Adams Street.

Sec. 17-837. Permitted uses.

Permitted uses within the ASO Adams Street district include multiple-family residential structures, fraternities and sororities and permitted commercial uses. A complete listing of uses permitted within the Adams Street Mixed Use District is provided in Appendix A, Use Matrix.

Sec. 17-838. Uses permitted subject to special conditions.

Many uses are compatible with the purposes of the Adams Street Mixed Use District if appropriate mitigation measures are taken. Such uses include institutions such as
places of worship, bed and breakfasts, health clubs, museums, drug stores, taverns, and hotel/motels. A complete listing of uses subject to special conditions is provided in Appendix A, Use Matrix and such uses with their associated conditions are provided below.

(1) **Accessory uses and structures.** Accessory uses and structures shall be permitted subject to the regulations of Article VII, Division 4, Accessory Uses and Structures.

(2) **Community residential homes for developmentally disabled persons.** Community residential homes for developmentally disabled persons shall be permitted provided that such uses shall be registered with the office of building and zoning. Such registration shall include the following:

   a. Name, address, and phone number of owner.
   b. Name, address, and phone number of operator.
   c. Names, addresses, and phone numbers of individuals who may be contacted in an emergency (24 hours).
   d. Address and phone number of the home itself.
   e. Number of residents.
   f. Disability of the residents.
   g. Any special information concerning special needs or limitations in case of an emergency (e.g. impaired mobility, impaired hearing or vision).
   h. Evidence that all required licenses, certifications, permits, and approvals are up to date and maintained.

(3) **Fraternities, sororities, and other communal residences.** Fraternities, sororities and similar communal residences may be permitted within the Adams Street Overlay District subject to the following requirements:

   a. No such residence shall be permitted within 200 feet of a one-family residential district.

(4) **Home occupations.** Home occupations shall be permitted subject to the regulations of section 17-907, Home Occupations.

(5) **Places of worship and similar uses.** Places of worship, parish houses, convents, and similar uses may be permitted provided that such uses receive special use approval and that they be located at least 50 feet from any other lot in any residence district.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 09-36, § 5, 9-21-09)
Sec. 17-839. Special uses.

Special uses are uses which are permitted when authorized by the mayor and city council after a public hearing and recommendation by the planning commission. A special use shall be subject to any requirements the planning commission and/or city council feels necessary to further the purpose of this chapter.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 09-36, § 6, 9-21-09)

Sec. 17-840. Bulk requirements.

The development regulations which apply to the Adams Street Overlay district are listed within Appendix B, Bulk Matrix.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-841. District design criteria.

(a) The unique design criteria described in this section is applicable to any new development. A new development means the following:

1. New construction;
2. All residential use to commercial use conversions;
3. Substantial renovation or reconstruction of a structure that exceeds 50 percent of the current fair market value of the structure;

(b) The unique design criteria applicable to any development within the Adams Street Overlay District are as follows:

1. The front, primary entrance of the building should be oriented to Adams Street. On a corner lot however, the building may be oriented towards a street other than Adams provided that it nevertheless maintains a well-defined entrance on Adams Street.
2. Primarily building materials shall be brick, stone, tile, or horizontal wood clapboard with a maximum width of six inches. Brick and/or stone facade covering 50 percent or more of building frontage preferred.
3. Building frontage should occupy at least 50 percent of the Adams Street frontage.
4. No parking in front yards as defined within section 17-42.
5. Landscaped green or mulched area of a minimum of six feet width between front lot line and any building or pavement.
Manufactured and/or modular homes, "Butler," Morton, and Quonset type buildings prohibited.

Flat roof construction of residential structures prohibited.

Any of the aforementioned guidelines can be modified or waived through approval of an alternate site plan by the city council following a public hearing and recommendation of the planning commission.

In acting upon any alternate site plan request, the planning commission and city council shall approve such a site plan only if it finds that the overall development remains in harmony with the purpose, intent and overall design intent of the Adams Street corridor and that the failure to comply with the design guidelines does not negatively impact the character, usefulness and/or value of surrounding properties.

Sec. 17-842—17-850. Reserved.

ARTICLE VII. DEVELOPMENT STANDARDS APPLICABLE TO ALL DISTRICTS

DIVISION 1. OFF-STREET PARKING AND LOADING

Sec. 17-851. Off-street parking required.
Sec. 17-852. Programs and incentives to reduce parking requirements.
Sec. 17-853. Parking spaces accessible to the disabled.
Sec. 17-854. Location of required parking
Sec. 17-855. Required parking lot and driveway setback.
Sec. 17-856. Design and improvement standards for off-street parking areas.
Sec. 17-857. Off-street loading.
Secs. 17-858—17-870. Reserved.

Sec. 17-851. Off-street parking required.

(a) General requirement. Except as provided elsewhere in this chapter, each principal and accessory use of land shall be provided with the number of off-street parking spaces indicated for that use in Table 7.1.1, Schedule of Off-Street Parking Requirements. Notwithstanding the above, this regulation shall not apply to the downtown, including the area bounded by Campbell, Calhoun, McArthur, and Jefferson Streets.

(b) Uses not specified. In case of a use not specifically
mentioned, the requirements for off-street parking or off-street loading for a use which is so mentioned, and to which said use is similar, shall apply.

(c)  Application to multiple tenant developments. Where there is a combination of uses on a lot, the minimum required number of parking spaces shall be the sum of the requirements of the individual uses, unless otherwise provided by section 17-852, subsection (2) of this chapter.

(d)  Fractions shall be rounded. When any calculation results in a fraction of a parking space of .50 or greater the fraction shall be rounded up to the next greater whole number.

(e)  Additional requirements for company vehicles. When parking spaces are used for the storage of vehicles or equipment used for delivery, service, repair, or other such use, such parking spaces shall be provided in addition to those otherwise required by this Code. At the time a building permit is issued, each developer shall indicate clearly on the plans, or in an accompanying letter, the number of spaces to be used for vehicle storage.

Table 7.1.1, Schedule Of Off-Street Parking Requirements

<table>
<thead>
<tr>
<th>RESIDENTIAL USES</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast facilities, tourist homes and other similar owner occupied dwellings</td>
<td>One space for every guest room plus at least one additional space for each employee.</td>
</tr>
<tr>
<td>Boarding and lodging houses, dormitories, fraternities and sororities</td>
<td>One and one-quarter spaces per occupant</td>
</tr>
<tr>
<td>Clubs and lodging houses offering overnight accommodations</td>
<td>One space for every three occupants plus at least one additional space for each employee.</td>
</tr>
<tr>
<td>Community residential homes for developmentally disabled persons</td>
<td>One space for every four beds plus at least one space for each employee working on the shift having the greatest number of employees.</td>
</tr>
<tr>
<td>Two-Family Dwellings, Single- and Two-Family</td>
<td>Two spaces per dwelling unit.</td>
</tr>
<tr>
<td>Dwellings, single and two-family (R-3, R-3A, R-4 and ASMU)*</td>
<td>1.25 spaces/bedroom</td>
</tr>
<tr>
<td>Dwellings, multiple-family (all zoning districts)</td>
<td>1.25 spaces/bedroom</td>
</tr>
<tr>
<td>Hotels, motels, cabins, recreational vehicle parks</td>
<td>One space for every guest room or RV parking space.</td>
</tr>
<tr>
<td>Auditoriums</td>
<td>One space for each eight seats provided for patrons' use.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>INSTITUTIONAL USES</th>
<th>PARKING SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colleges and Universities</td>
<td>One space for every two employees, plus one additional space for</td>
</tr>
<tr>
<td>Category</td>
<td>Requirements</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
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<tr>
<td>Convalescent homes, nursing homes, sanitariums, residential mental health facilities, inpatient alcohol or drug rehabilitation facilities, children's homes, intermediate care facilities for no more than 15 developmental disabled persons, and other similar facilities</td>
<td>One space for every four beds plus at least one additional space for each employee working on the shift having the greatest number of employees.</td>
</tr>
<tr>
<td>Day Care Centers</td>
<td>One space for each employee; plus one space for every fifteen students, plus one space for each company vehicle.</td>
</tr>
<tr>
<td>Hospitals and other similar institutions</td>
<td>One space for each two patient beds, plus at least one additional space for each staff and visiting doctor, plus at least one additional space for each employee working on the shift having the greatest number of employees.</td>
</tr>
<tr>
<td>Places of Worship</td>
<td>One space for each eight fixed seats in the main worship hall for the place of worship.</td>
</tr>
<tr>
<td>Schools</td>
<td>Meeting areas and classrooms shall provide one space per 300 square feet of space in such meeting or classroom</td>
</tr>
<tr>
<td>Schools, Primary</td>
<td>One space for every classroom, plus one additional space for every 200 square feet in office areas.</td>
</tr>
<tr>
<td>Schools, Secondary</td>
<td>One space for every employee, plus one additional space for every six students, based on projected maximum enrollment.</td>
</tr>
<tr>
<td><strong>CULTURAL/ENTERTAINMENT USES</strong></td>
<td><strong>PARKING SPACES REQUIRED</strong></td>
</tr>
<tr>
<td>Billiard Halls</td>
<td>Two spaces per billiard table.</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>Four spaces per lane, plus two for any billiard table, plus one for every five seats in a visitors gallery.</td>
</tr>
<tr>
<td>Club or Lodge (without overnight sleeping accommodations for guests)</td>
<td>One space for every 250 square feet of gross floor area.</td>
</tr>
<tr>
<td>Buildings</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Community or Recreation</td>
<td>One space for every 200 square feet of gross floor area.</td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>One space for every 300 square feet of gross floor area.</td>
</tr>
<tr>
<td>Dance Halls, Skating Rinks, and similar uses</td>
<td>One space for every 300 square feet of gross floor area.</td>
</tr>
<tr>
<td>Game Centers</td>
<td>One space for every 100 square feet of gross floor area.</td>
</tr>
<tr>
<td>Golf Courses</td>
<td>One space for every 200 square feet of gross floor area in any building plus one space for every two practice tees in the driving range plus four space for each green.</td>
</tr>
<tr>
<td>Health or Fitness Facility</td>
<td>One space for every 225 square feet of gross floor area.</td>
</tr>
<tr>
<td>Library</td>
<td>One space for every 300 square feet of gross floor area.</td>
</tr>
<tr>
<td>Museums or Art Galleries</td>
<td>One space for every 400 square feet of indoor public floor area, plus one space for every 225 square feet of office or work area, plus one space for every 800 square feet of storage space.</td>
</tr>
<tr>
<td>Parks</td>
<td>Three spaces for every acre of active park area developed for recreational use.</td>
</tr>
<tr>
<td>Swimming Pool or Natatorium</td>
<td>One space for every 300 square feet of gross floor area.</td>
</tr>
<tr>
<td>Tennis Clubs</td>
<td>One space for every 200 square feet of gross floor area, excluding court area, plus three space per court.</td>
</tr>
<tr>
<td>Theaters or Cinemas</td>
<td>One space for each six seats provided for patrons' use.</td>
</tr>
<tr>
<td><strong>COMMERCIAL RETAIL/SERVICE USES</strong></td>
<td><strong>PARKING SPACES REQUIRED</strong></td>
</tr>
<tr>
<td>Automotive Repair Shops</td>
<td>Two spaces per service bay plus one space for 200 square feet of any accessory retail sales area.</td>
</tr>
<tr>
<td>Automotive Sales Lots</td>
<td>One space for every 200 square feet of interior gross floor area plus two space for every 20 vehicle display spaces. These spaces are provided for the use of employees and customers; vehicle display spaces shall be provided in addition to these spaces.</td>
</tr>
<tr>
<td>Automotive Fuel Stations</td>
<td>Three space per service bay</td>
</tr>
<tr>
<td>Institutions</td>
<td>plus one space for every 250 square feet of any accessory retail sales area.</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Bar, Lounge, Tavern, or Nightclub</td>
<td>One space for every 25 square feet of indoor public floor area, plus one space for every 50 square feet of outdoor public floor area, excluding the first 100 square feet of outdoor public floor area.</td>
</tr>
<tr>
<td>Car Wash</td>
<td>Four spaces per bay plus one space per employee plus ten stacking spaces.</td>
</tr>
<tr>
<td>Clinics, Medical or Dental</td>
<td>One space for each 250 square feet of floor area used or intended to be used for service to the public as customers, patrons and clients plus one additional off-street parking space for each employee.</td>
</tr>
<tr>
<td>Funeral Homes</td>
<td>One space for every two persons for which permanent seating is provided plus one space for every 30 gross square feet of public assembly area.</td>
</tr>
<tr>
<td>Furniture and Appliance Stores</td>
<td>One space for every 500 square feet of gross floor area.</td>
</tr>
<tr>
<td>Groceries or Food Stores</td>
<td>One space for every 300 square feet of gross floor area.</td>
</tr>
<tr>
<td>Offices</td>
<td>One space for each 250 square feet of floor area used or intended to be used for service to the public as customers, patrons and clients plus one additional off-street parking space for each employee.</td>
</tr>
<tr>
<td>Plant Nurseries, Building Materials yards, Equipment Rental or Sales Yards and Similar Uses</td>
<td>One space for every 300 square feet of gross floor area.</td>
</tr>
<tr>
<td>Restaurants</td>
<td>One space for every 50 square feet of indoor public floor area, plus one space for every 200 square feet of outdoor public floor area, excluding the first 200 square feet of outdoor public floor area.</td>
</tr>
<tr>
<td>Services, Large: Laundries, Self-Service; Drug Stores or Pharmacies; Barber Shops or Beauty Salons</td>
<td>One space for every 300 square feet of gross floor area.</td>
</tr>
<tr>
<td>Shopping Centers or Freestanding Stores not otherwise listed</td>
<td>One space for every 250 square feet of gross floor area.</td>
</tr>
<tr>
<td>INDUSTRIAL USES</td>
<td>PARKING SPACES REQUIRED</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>Freight Yards, docks, transfer stations, and similar uses</td>
<td>One space per 1,000 square feet of gross floor area.</td>
</tr>
<tr>
<td>Industrial and Manufacturing Uses</td>
<td>One space for every five employees.</td>
</tr>
<tr>
<td>Or</td>
<td></td>
</tr>
<tr>
<td>Junk/Salvage Yards and Uses</td>
<td>One space for every 10,000 square feet of lot area.</td>
</tr>
<tr>
<td>Utility and Service Buildings and Uses</td>
<td>One space per every 600 square feet of gross floor area.</td>
</tr>
<tr>
<td>Warehousing and Wholesaling Establishments</td>
<td>One space for every five employees, or</td>
</tr>
<tr>
<td></td>
<td>One space per 1,000 square feet of gross floor area.</td>
</tr>
</tbody>
</table>

*Requirement applies to any newly constructed units or to structures converted to rental units located within R-3, R-4 and ASMU.*

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 09-38, §§ 2, 4, 9-21-09; Ord. No. 10-24, § 10, 7-19-10)

Sec. 17-852. Programs and incentives to reduce parking requirements.

The following programs and incentives are provided to permit reduced parking requirements in the locations and situations outlined herein where the basic parking requirements of this code would be excessive or detrimental to goals and policies of the city relating to traffic congestion and environmental protection.

(1) **Mixed-use shared parking programs.**

a. **Purpose.** The city recognizes that strict application of the required parking ratios may result in the provision of excessive numbers of parking spaces and, therefore, excessive pavement and impermeable surfaces. A mixed-use shared parking program provides an option to reduce the total required parking in large mixed-use facilities in which the uses operate at different times from one another throughout the day.

b. **Applicability.** The mixed-use shared parking program may be applied where mixed-uses are proposed.

c. **Procedure.**

1. The community development coordinator may authorize a reduction in the total number of required parking spaces pursuant to Table 7.1.2, Schedule of
Shared Parking Calculations, if the respective hours of operation
of the uses do not overlap.

Table 7.1.2. Schedule of Shared Parking Calculations

<table>
<thead>
<tr>
<th>General Land</th>
<th>Weekdays</th>
<th>Weekends</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Classificati</td>
<td>Mid—7:00</td>
<td>7:00 a.m.—6:00</td>
</tr>
<tr>
<td>Office and Industrial</td>
<td>5%</td>
<td>100%</td>
</tr>
<tr>
<td>Retail</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>Residential</td>
<td>100%</td>
<td>55%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>50%</td>
<td>70%</td>
</tr>
<tr>
<td>Hotel</td>
<td>100%</td>
<td>65%</td>
</tr>
<tr>
<td>Cinema/Th eater</td>
<td>0%</td>
<td>70%</td>
</tr>
</tbody>
</table>

How to use the Schedule of Shared Parking

Calculate the number of spaces required for each use if it were freestanding (refer to the schedule of minimum on-site parking requirements). Applying the applicable general land use category to each proposed use, use the percentages to calculate the number of spaces required for each time period, (six time periods per use). Add the number of spaces required for all applicable land uses to obtain a total parking requirement for each time period. Select the time period with the highest total parking requirement and use that total as your shared parking requirement.

2. The total number of parking spaces required per Table 7.1.1, Schedule of Parking Requirements, shall not be reduced by more than 20 percent.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-853. Parking spaces accessible to the disabled.

The City of Macomb encourages all development within the city which serves the public to provide facilities which are accessible to people with disabilities as defined by the Americans with Disabilities Act (ADA) of 1990. In accordance with this goal and pursuant to the
ADA, accessible parking shall be provided by any building or use initiated after the effective date of this Code according to the following minimum requirements and any further requirements hereafter adopted by federal, state, or local law.

(1) **Required spaces.** Accessible parking spaces shall be provided at a rate of four percent of total required parking spaces. Van accessible parking spaces shall be provided in the amount set forth by Table 7.1.3. In addition to these requirements, accessible patient parking at outpatient facilities must equal no less than ten percent of the required parking, and facilities which specialize in treatment or services for persons with mobility impairments must provide accessible parking equaling no less than 20 percent of the required parking for patient use.

<table>
<thead>
<tr>
<th>Accessible Spaces Required</th>
<th>Van Accessible Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 8</td>
<td>1</td>
</tr>
<tr>
<td>9 to 16</td>
<td>2</td>
</tr>
<tr>
<td>17 to 24</td>
<td>3</td>
</tr>
<tr>
<td>25 to 32</td>
<td>4</td>
</tr>
<tr>
<td>33 and over</td>
<td>1 van accessible space for every 8 accessible spaces</td>
</tr>
</tbody>
</table>

(2) **Design and layout of accessible parking lots.** Access aisles and accessible routes for the mobility impaired shall be provided pursuant to ADA requirements, as described below.

a. **Access aisles.** Access aisles shall be no less than five feet in width when adjacent to an automobile accessible space and no less than eight feet in width when adjacent to a van accessible space. At the entrance to each access aisle which is eight feet or wider, two bollards shall be placed at the outside corners of the aisle so as to prevent vehicles from parking in the aisle illegally. No access aisles shall be obstructed by any curb ramp or wheel stop.

b. **Accessible routes.** Each automobile accessible or van accessible parking space shall be located along an accessible route to the building entrance. The minimum width of said accessible route shall be three feet.

c. **Maximum slope.** Accessible parking spaces, access aisles, and accessible routes shall not exceed a slope of 1:50, and the ramp from the access aisle to the sidewalk or other transition to the principal use shall not exceed a slope of 1:12.

d. **Vertical clearance.** The vertical clearance for accessible parking spaces shall be no less than eight feet two inches, and the vertical clearance for passenger loading zones shall
be no less than nine feet six inches.

(3) Passenger loading zones. Passenger loading zones shall provide an access aisle a minimum of 20 feet in length, adjacent and parallel to the vehicle pull up space. If there are curbs between the access aisle and the vehicle pull up space, then a curb ramp shall be provided.

(4) Signage and marking. All accessible spaces shall be designated by the international access symbol. Van accessible spaces will be labeled by both the international access symbol and an additional sign indicating that the space is accessible for vans.

Signs shall be placed a minimum of five and one-half feet above ground level so as not to be obscured by parked vehicles. The mobility impaired symbol shall also be painted on the ground to the rear of the parking space.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-854. Location of required parking

(a) General requirement. Except as otherwise provided in this chapter, off-street parking facilities shall be on the same lot or parcel of land as the use they are intended to serve.

(b) Regulations for remote parking. Remote parking shall be allowed and shall be counted toward the off-street parking requirement if the following conditions are met:

(1) The proximity of the parking area to the use served shall be within 300 feet.

(2) A continuous sidewalk shall be present between the remote parking and the use served.

(c) Front yard parking requirements. Parking shall not be allowed in the front yard of any residential zoning district and no parking shall be allowed within seven feet of the front property line in all zoning districts.

(d) Driveway parking prohibited except in residential districts. Except in residential districts, parking in driveways connecting the public right-of-way with a parking area or garage shall not be permitted on or adjacent to the driveway.

(e) Front/side yard parking in R-1, R-2, R-3, R-3A and R-4 residential zoning districts. The primary purpose of the special use permit shall be to allow for flexibility in parking location when both all other parking options permitted by right within the applicable district have been reasonably exhausted and when the site granted such special use permit will be markedly improved over its present condition (i.e.) infill development of a vacant lot or the improvement or removal of deteriorated or dilapidated structures or inappropriate uses. An application for a special use will be possible only when all of the conditions listed below can also be met:
Parking pad areas are permitted only in the case of one- and two-family dwelling unit structures.

Parking pad areas are permitted only within R-1, R-2, R-3, R-3A and R-4 Residential Zoning Districts.

Paved parking pad areas of not more than 20 feet in width, nor less than ten feet in width, are permitted only in the front and side yards of one- and two-family dwelling units and can not be placed physically in front of any part of the residential structure served.

Parking pad areas must extend in at least 25 feet in from the front property line.

In no case shall parking pad areas extend past the side yard or in any way into the back yard area of the residential unit they serve.

The edges of all parking pad areas shall be separated by a minimum of five feet of open space from each other or any other parking or driveway surface.

Only one parking pad area is permitted per dwelling unit. On corner lots, parking pad areas can be located in only one front or corner side yard.

A parking pad of 20 feet in width represents two off-street parking spaces. A parking pad of ten feet in width represents one off-street parking space. Stacked parking will not be counted towards off-street parking requirements.

Sec. 17-855. Required parking lot and driveway setback.

In all residential zoning districts and for business and industrial zoning property abutting residential zoned property, the following restrictions shall be observed:

(1) Every parking area shall maintain a five-foot setback between its closest edge and the adjacent residential property line.

(2) Every driveway leading to a side or rear yard parking area shall maintain a three-foot setback between the closest edge of such driveway and the adjacent residential property line.

Sec. 17-856. Design and improvement standards for off-street parking areas.

(a) Parking space dimensions. Parallel parking spaces shall
have a minimum width of nine feet and a minimum length of 21 feet. All other spaces shall have a minimum width of nine feet and a minimum length of 18 feet.

(b) Parking facility layout.

(1) Minimum layout dimensions are established in Table 7.1.6 [7.1.4] which shall apply to all off-street parking areas.

(2) The parking lot shall be designed so that vehicles exiting therefrom will not be required to back out across any sidewalk or street.

(3) All required on-site parking spaces shall open directly upon an aisle or driveway. All on-site parking facilities shall be provided with appropriate means of vehicular access to a public street.

(4) All parking areas shall provide means of pedestrian circulation to the use served and between the use and the street.

(5) In the B-2, General Business District, and the M-1, Light Manufacturing District, commercial developments shall have shared interconnects and shared driveways with adjoining commercial developments, wherever feasible, as determined by the community development coordinator. Shared interconnects and shared driveways shall have curbs and gutters and proper storm water drainage, the same as required for adjoining parking lots.

(c) Improvement standards.

(1) Off-street parking facilities shall be surfaced with Portland cement concrete, bituminous aggregate mixture, bituminous concrete pavement or paving brick. Tar and chip surfaces, cold patch, and gravel are not considered permanent surfaces and are not allowed unless otherwise stated in this section. In low-traffic residential parking lots, porous asphalt or grass pavers may be used to reduce surface runoff.

(2) Parking facilities shall be graded and drained to provide a controlled disposal of all surface water.

(3) In the M-2, General Manufacturing District, off-street parking facilities shall be improved as follows: All parking, loading areas and driveways shall be surfaced with Portland cement concrete, bituminous aggregate mixture or bituminous concrete pavement. Infrequently used truck turn-around areas and storage areas may be surfaced with oil and chip as long as the oil and chip surface is adequately maintained so as to remain dust free at all times.

(d) Lighting.
Parking lot lighting shall be regulated so that the illumination from such lighting shall measure no more than five foot candles on adjacent street right-of-way and one footcandle on adjacent residential property. For purposes of this section, all light readings shall be taken at ground level with a direct reading portable light meter.

(e) **Landscaping.** Parking areas shall be landscaped in accordance with the provisions of Article VII, Division 2.

(f) **Time frame for completion of improvements.** All parking facility and driveway surfacing shall be completed within 12 months of the issuance of a certificate of occupancy.

### Table 7.1.4. On-Site Parking Dimensions (In Feet)

<table>
<thead>
<tr>
<th>Angle</th>
<th>Stall Width (A)</th>
<th>Vehicle Projection (B)</th>
<th>Aisle (C)</th>
<th>Typical Module (D)</th>
<th>Interlock Reduction (E)</th>
<th>Overhang (F)</th>
<th>Curb Length (G)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>18.0</td>
<td>9.0</td>
<td>12.0</td>
<td>28.0</td>
<td>0</td>
<td>0</td>
<td>21.0</td>
</tr>
<tr>
<td>45°</td>
<td>9.0</td>
<td>18.0</td>
<td>13.0</td>
<td>49.0</td>
<td>2.3</td>
<td>2.1</td>
<td>12.0</td>
</tr>
<tr>
<td>50°</td>
<td>9.0</td>
<td>18.7</td>
<td>13.7</td>
<td>51.0</td>
<td>2.1</td>
<td>2.3</td>
<td>10.6</td>
</tr>
<tr>
<td>55°</td>
<td>9.0</td>
<td>19.2</td>
<td>14.7</td>
<td>53.0</td>
<td>1.8</td>
<td>2.5</td>
<td>10.2</td>
</tr>
<tr>
<td>60°</td>
<td>9.0</td>
<td>19.5</td>
<td>16.0</td>
<td>55.0</td>
<td>1.7</td>
<td>2.6</td>
<td>9.8</td>
</tr>
<tr>
<td>65°</td>
<td>9.0</td>
<td>19.8</td>
<td>17.0</td>
<td>56.5</td>
<td>1.3</td>
<td>2.8</td>
<td>9.5</td>
</tr>
</tbody>
</table>
Sec. 17-857. Off-street loading.

(a) General requirements.

(1) Number and type of loading berths required. The number and type of loading berths required shall conform to the requirements set forth on Table 7.1.7.A, Schedule of Off-Street Loading Requirements. Descriptions of long and short loading berths may be found in Table 7.1.7.C, Size of Off-Street Loading Facilities.

(2) Utilization. All space allocated to any off-street loading use shall not, while so allocated, be used to satisfy any off-street parking space requirements.

(b) Location of required loading facilities. All required loading berths shall be located in the rear yard whenever possible and on the same zoning lot as the use served. The sideyard may be used when it is not possible to use the rear yard.

(c) Design and improvement standards for off-street loading facilities.

(1) Size. This Code provides for two sizes of loading berths, short berths and long berths. The vertical clearance of all berths shall be not less than 15 feet. The minimum size of short and long loading berths shall conform to Table 7.1.7.C.

<table>
<thead>
<tr>
<th>Table 7.1.7.C. Size Of Off-Street Loading Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Berth Size</strong></td>
</tr>
<tr>
<td>feet</td>
</tr>
<tr>
<td>Apron</td>
</tr>
<tr>
<td>Access Aisles</td>
</tr>
</tbody>
</table>

*No two-way aisle shall be less than 24 feet in width.

NOTE: All measurements are in feet.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2943, § 3, 12-15-03)
(2) **Surfacing.** All open off-street loading berths shall be paved with asphalt, concrete or other dustless all-weather material capable of bearing a live load of 200 pounds per square foot. Gravel and tar and chip are not permitted as surfacing materials.

**Table 7.1.7.A. Schedule Of Off-Street Loading Requirements**

<table>
<thead>
<tr>
<th>Use</th>
<th>Gross Floor Area of Use (square feet)</th>
<th>Number and Size of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel, Motel, Assisted Living Facility or Nursing Home</td>
<td>12,000—120,000</td>
<td>One Short</td>
</tr>
<tr>
<td>Multifamily</td>
<td>40,000—120,000</td>
<td>One Short</td>
</tr>
<tr>
<td></td>
<td>each additional 200,000</td>
<td>One Short</td>
</tr>
<tr>
<td><strong>Office and Institutional Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12,000—120,000</td>
<td>One Short</td>
</tr>
<tr>
<td></td>
<td>each additional 120,000 up to 500,000</td>
<td>One Short</td>
</tr>
<tr>
<td></td>
<td>each additional 500,000</td>
<td>One Long</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Services</td>
<td>Personal</td>
<td>Under 12,000</td>
</tr>
<tr>
<td></td>
<td>12,000—25,000</td>
<td>Two Short</td>
</tr>
<tr>
<td>Restaurants</td>
<td>Under 25,000</td>
<td>One Short</td>
</tr>
<tr>
<td></td>
<td>25,000—40,000</td>
<td>Two Long</td>
</tr>
<tr>
<td></td>
<td>40,000—120,000</td>
<td>Three Long</td>
</tr>
<tr>
<td></td>
<td>each additional 200,000</td>
<td>One Long</td>
</tr>
<tr>
<td>Retail Sales</td>
<td>5,000—15,000</td>
<td>One Short</td>
</tr>
<tr>
<td></td>
<td>15,000—40,000</td>
<td>Two Long</td>
</tr>
<tr>
<td>Gross Floor Area Range</td>
<td>Number of Long Trees</td>
<td>Number of Short Trees</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>40,000—100,000</td>
<td>Three Long</td>
<td>One Long</td>
</tr>
<tr>
<td>additional 50,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Educational/Cultural/Entertainment Uses**

<table>
<thead>
<tr>
<th>Gross Floor Area Range</th>
<th>Number of Short Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,000—120,000</td>
<td>One Short</td>
</tr>
<tr>
<td>additional 120,000</td>
<td></td>
</tr>
</tbody>
</table>

**Industrial Uses**

<table>
<thead>
<tr>
<th>Gross Floor Area Range</th>
<th>Number of Long Trees</th>
<th>Number of Short Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000—12,000</td>
<td>One Short</td>
<td></td>
</tr>
<tr>
<td>12,000—30,000</td>
<td>One Long</td>
<td></td>
</tr>
<tr>
<td>30,000—120,000</td>
<td>Two Long</td>
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<tr>
<td>additional 120,000</td>
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**Research and Development**

<table>
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<tr>
<th>Gross Floor Area Range</th>
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<th>Number of Short Trees</th>
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<td>Two Long</td>
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<td>additional 120,000</td>
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**Transportation/Communication Uses**

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<tr>
<td>Utilities</td>
<td>30,000—120,000</td>
<td>One Long, One Short</td>
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1 Gross Floor Area refers to all buildings or structures on the premises.

(Ord. No. 2750, § 2, 11-17-97)

Secs. 17-858—17-870. Reserved.

**DIVISION 2. LANDSCAPING**

Sec. 17-871. Purpose.

Sec. 17-872. Enforcement of landscaping requirements.

Sec. 17-873. Landscape plan.
Sec. 17-874. Selection, installation, and maintenance of plant materials.

Sec. 17-875. Design standards and guidelines.

Sec. 17-876. Minimum lot landscaping requirements.

Sec. 17-877. Landscape buffers.

Sec. 17-878. Screening of refuse disposal dumpsters.

Sec. 17-879. Changes to approved landscape plans.

Sec. 17-880. Required landscaping in rear yards of through lots in R-3 and R-3A.

Secs. 17-881—17-890. Reserved.

Sec. 17-871. Purpose.

These landscaping requirements are intended to foster aesthetically pleasing development which will preserve and enhance the appearance, character, health, safety, and welfare of the community. These regulations are intended to increase the compatibility of adjacent uses, and, in doing so, minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby uses. These regulations are also intended to promote the prudent use of water and energy resources.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-872. Enforcement of landscaping requirements.

The landscaping provisions of this code shall be enforced for all new construction requiring a landscape plan. Wherever the submission and approval of a landscape plan is required by this Code, such landscape plan shall be an integral part of any application for a building permit and occupancy permit. No permit shall be issued without city approval of a landscape plan as required herein. Failure to implement the approved landscape plan shall be cause for revocation of the occupancy permit.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-873. Landscape plan.

(a) Landscape plan required. A landscape plan shall be required for the following situations:

(1) New construction of fraternities and sororities and new construction of five or more units in multiple-family buildings or complexes in the R-4 zoning district.

(2) Additions to or new construction of non-residential buildings on lots exceeding 10,000 square feet in size in all zoning districts, excluding the B-3 zone.
Landscape plans shall be drawn in conformance with the requirements specified in this chapter, and must be reviewed and approved by the office of building and zoning prior to the issuance of a building permit.

(b) Contents of landscape plan. All landscape plans submitted for approval shall contain the following information:

(1) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, fences, refuse disposal and recycling areas, and other freestanding structural features as determined necessary by the community development coordinator.

(2) The location, quantity, size and name of all existing plant materials to be removed.

(3) The location, quantity, size and name of all proposed plant material, including shade trees, shrubs, ground cover, annuals/perennials and turf.

(4) Existing and proposed grading of the site indicating contours at two-foot intervals. Proposed berming shall be indicated using one-foot contour intervals.

(5) Elevations of all fences and retaining walls proposed for location on the site.

(6) Diagrams and maps shall be drawn using a scale of one inch to 50 feet.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-874. Selection, installation, and maintenance of plant materials.

(a) Selection. Planting materials used in conformance with the provisions of this section shall be of good quality, of a species hardy to western Illinois, and capable of withstanding the extremes of individual site microclimates. Size and density of plant material, both at the time of planting and at maturity, are additional criteria which shall be considered when selecting plant materials. The use of drought tolerant plant material is preferred. The use of salt tolerant plant material is preferred for landscaping near streets and other rights-of-way.

(b) Installation. All landscaping materials shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen. The installation of all plant material required by this chapter may be delayed until the next optimal planting season, as determined by the community development coordinator.

(c) Maintenance. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all failed landscaping materials and structures. All landscaping materials shall be
maintained in good condition so as to present a healthy and orderly appearance, and plant material not in this condition shall be replaced when necessary and shall be kept free of refuse and debris. Fences, walls, and other barriers shall be maintained in good repair. Irrigation systems if needed shall be maintained in good operating condition to promote the health of the plant materials and the conservation of water.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-875. Design standards and guidelines.

Landscape plans described above shall be prepared based on the following design standards and guidelines. Standards are numerically measurable and can be definitively evaluated for compliance. Design guidelines are not precisely measurable, but compliance can be determined through the evaluation process of landscape plan review.

(1) Minimum standards.

a. Shade trees. All shade trees shall have a minimum trunk size of one and one-half inches in caliper, unless otherwise specified. The removal of trees within the public right-of-way is prohibited without the approval of the community development coordinator.

b. Shrubs. All shrubs shall have minimum height of 18 inches at planting and a maximum height of six feet at maturity, except for parkway shrubs, which shall have no minimum height at planting and which shall have a maximum height of 18 inches at maturity.

c. Yards. Yards shall be landscaped primarily with turf or other plant materials. Pavement of yards other than for parking or loading purposes is prohibited.

(2) Design guidelines.

a. Scale and nature of landscaping material. The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scaled buildings, for example, should generally be complemented by larger scaled plants.

b. Selection of plant material. Plant material shall be selected for its form, texture, color, pattern of growth and adaptability to local conditions.

c. Evergreens. Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where screening and buffer is required.

d. Softening of walls and fences. Plant material should be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.
e. Planting beds. Planting beds should be mulched with bark chips, feather rocks, or similar materials. Mulch shall not be used as a substitute for plant materials.

f. Detention/retention basins and ponds. Detention/retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges, turf, groundcover and/or other plant materials.

g. Water conservation. Landscape design pursuant to the requirements of this chapter must recognize the need for water conservation. While sprinkler irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed to minimize the use of water.

h. Domestic turf grasses. Domestic turf grasses should be used in areas with little or no slope to prevent the runoff of irrigation water.

i. Energy conservation. Plant material placement will be designed to reduce the energy consumption needs of the development.

1. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

2. Evergreens and other plant materials should be concentrated on the north and west sides of buildings to dissipate the effect of winter winds.

j. Preservation of existing plant material. Existing plant material should be incorporated into the landscape treatment of a site. Effort should be made to preserve and protect existing trees with trunk diameters in excess of 12 inches. Construction equipment and personnel should be kept away from such trees and their root systems by the installation of fencing materials at the tree's dripline.

k. Berming. Earthen berms and existing topographic features should be incorporated into the landscape treatment of a site whenever determined practical by the community development coordinator, particularly when combined with plant material to facilitate screening.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-876. Minimum lot landscaping requirements.

A minimum of five percent of the lot or development area must be set aside for front or sideyard landscaping. Landscaping in the rear yard may not be counted toward
satisfying this requirement, unless otherwise noted in this Code. Landscaping shall consist of a combination of the following: Interior parking lot landscaping, perimeter parking lot landscaping, and building landscaping.

(1) **Interior parking lot landscaping.** All parking lots designed for 100 or more parking spaces shall provide interior landscaping in accordance with the provisions of this section.

   a. **Area required.** Not less than five percent of the interior of a parking lot shall be devoted to landscaping. Landscaping areas located along the perimeter of a parking lot beyond the curb or edge of pavement of the lot shall not be counted toward satisfying this requirement.

   b. **Landscaped areas.** The landscaped areas defined in subsection a. shall be improved as follows:

      1. Interior parking lot landscaping areas (planting islands at least six inches above the surface of the parking lot) shall be dispersed throughout the parking lot in a design and configuration that aesthetically corresponds to the size and shape of the parking lot. Clustering of landscaping areas should be considered when possible.

      2. Interior parking lot landscaping areas shall be a minimum of 400 square feet in area and shall be a minimum of 16 feet in width, as measured from back of curb to back of curb.

      3. The plant material used to improve the landscape area defined above shall conform to the following:

         i. **Type.** The primary plant material used in parking lots shall be shade trees species which conform to applicable provisions of sections 17-874 and 17-875 of this division. Ornamental trees, shrubbery, hedges, and other plant materials may be used to supplement the shade tree plantings, but shall not be the sole contribution to such landscaping.

         ii. **Quantity.** One shade tree shall be provided for every 100 square feet of landscaping area.

         iii. **Groundcover.** One hundred percent of the landscaping area shall be planted with an approved ground cover or shall be mulched. Mulch must be applied at a thickness of at least two inches.

(2) **Perimeter parking lot landscaping.** All parking
lots located in the required front or side yard setbacks and designed for 15 or more spaces shall provide perimeter parking lot landscaping in accordance with the provisions of this section.

a. **Landscaped areas.** The landscaped areas shall be improved as follows:

1. Landscaped areas shall be at least seven feet in width, as measured from the back of curb or the end of the parking surface, excluding any parking space overhang area.

2. The plant material used to improve the landscape area defined above shall conform to the following:

   i. **Type.** The primary plant material used shall be shade trees, shrubbery, ornamental trees, annuals/perennials and turf. Landscape berms may be incorporated into the design as long as they do not block visibility.

   ii. **Quantity.** One shade or ornamental tree shall be provided for every 40 feet of yard length. Trees may be clustered based on specific site requirements.

   One shrub, measuring a minimum of 12 inches at planting and not exceeding six feet at maturity, per three feet of yard length. Shrubbery may be clustered or spaced linearly, but shall not block visibility when planted next to a public street or private drive. Parkway shrubs or shrubbery that may block visibility shall have a maximum height of 18 inches at maturity.

   iii. **Groundcover.** One hundred percent of the landscaping area shall be planted with an approved ground cover or shall be mulched. Mulch must be applied at a thickness of at least two inches.

(3) **Building landscaping.** Building landscaping may be used in combination with interior and perimeter parking lot landscaping to satisfy the minimum lot or development area landscaping requirement listed in section 17-876 of this division.

a. **Landscape areas.** The landscape areas around the building shall be improved as follows:

1. Landscaped areas shall be at least 100 square feet in area, with a minimum width in all directions of at least eight feet.

2. Landscape material. The plant material used to improve the landscape areas defined
above shall conform to the following:

i. **Type.** The primary plant materials used shall be shade and ornamental trees. Shrubbery and other plant materials may be used to supplement the shade or ornamental tree plantings, but shall not be the sole contribution to such landscaping.

ii. **Quantity.** One shade or ornamental tree shall be provided for every 100 square feet of landscaping area.

iii. **Groundcover.** One hundred percent of the landscaping area shall be planted with an approved ground cover or shall be mulched. Mulch must be applied at a thickness of at least two inches.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-877. Landscape buffers.

(a) **Applicability.** The regulations of this section shall establish the dimensions and improvement requirements of landscape buffers as required for transitions between zoning classifications and the screening of loading berths. The planting of required landscape buffers may satisfy 50 percent of the minimum lot landscaping requirements outlined in section 17-6 of this division.

(b) **General restrictions.** Landscape buffers shall be reserved for the planting of material and installation of fencing as required within this section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces shall be permitted, unless specifically authorized through the site plan review process. Landscape buffers may be located within required yards or required landscape yards as established in the applicable district regulations. Where both landscape buffers and parking lot landscaping is required the more restrictive shall apply.

(c) **Size and improvement of landscape buffers.** The size and improvement of landscape buffers for various situations shall be as follows:

(1) **AG Agricultural and ROS Recreation and Open Space Districts.** Where an Agricultural District or Recreation and Open Space District abuts a residential district, a landscape yard a minimum of 25 feet in width shall be provided. Landscape yards are yards devoted exclusively to landscaping except however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. No specific improvements are required within landscape yards, except as provided below:
Where active recreational areas such as ball diamonds or other athletic fields abut residential districts, a landscape buffer a minimum of ten feet in width shall be provided. Within this required landscape buffer, the following improvements shall be provided.

1. Shade trees, a minimum of one and one-half inches in caliper, shall be planted at the rate of one tree for every 30 feet of landscape buffer.

2. A continuous evergreen or dense deciduous shrub hedge shall be planted along the entire length of landscape buffer. This shrub hedge shall have a mature height of not less than six feet and shall be installed at a height of not less than 18 inches.

3. A fence not exceeding six feet in height may be combined with the shrub hedge.

4. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover. All landscape areas not planted with trees and shrubs shall be maintained in turf or other approved groundcover.

(2) *R-4 Multiple-Family or MH Manufactured Home Districts.*

Where a multiple-family, fraternity and sorority, or manufactured home development abuts a single- or two-family district, a landscape buffer a minimum of ten feet in width shall be provided. Within this required landscape buffer, the following improvements shall be provided.

a. Shade trees, a minimum of one and one-half inches in caliper, shall be planted at the rate of one tree for every 30 feet of landscape buffer.

b. A continuous evergreen or dense deciduous shrub hedge shall be planted along the entire length of landscape buffer. This shrub hedge shall have a mature height of not less than six feet and shall be installed at a height of not less than 18 inches.

c. A fence not exceeding six feet in height may be combined with the shrub hedge.

d. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

(3) *O/I: Office/Institutional District.*

Where a lot in the Office/Institutional District abuts a residential district, a
landscape buffer of a width equal to the height of the principal building, plus 50 feet shall be provided. Within the landscape buffer required, the following improvements shall be provided:

a. Shade trees, a minimum of one and one-half inches in caliper, shall be planted at the rate of one tree for every 30 feet of landscape buffer.

b. A continuous evergreen or dense deciduous shrub hedge shall be planted along the entire length of landscape buffer. This shrub hedge shall have a mature height of not less than six feet and shall be installed at a height of not less than 18 inches.

c. A fence not exceeding six feet in height may be combined with the shrub hedge, subject to the approval of the community development coordinator.

d. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the community development coordinator.

(4) B-1 and B-2 Districts. Where a lot in the B-1 or B-2 District abuts a residential district, a landscape buffer a minimum of seven feet in width shall be provided. Within the landscape buffer required, the following improvements shall be provided:

a. Shade trees, a minimum of one and one-half inches in caliper, shall be planted on an average of one tree for every 30 feet of the yard length.

b. Shrubs, having a mature height of not less than six feet and installed at a height of not less than 18 inches, shall be planted along 100 percent of the yard length. Berms may be used in conjunction with other landscaping materials to satisfy the height requirement.

The shrubs may be installed either inside or outside of the fence required in subsection (5)c. below, subject to the other requirements of that subsection.

c. A solid fence not exceeding six feet in height may be erected along 100 percent of the yard length in lieu of the landscaping requirement in Division 2.

d. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

(5) M-1 and M-2 Industrial Districts. Where a lot in the M-1 or M-2 District abuts residential district, a landscape buffer 30 feet in width shall be provided. Within the landscape buffer required, the following improvements shall be provided.

a. Shade trees, not less than one
and one-half inches in caliper, shall be planted on an average of one tree for every 20 feet of length of the yard length. Shade trees may be grouped or clustered, subject to site plan review approval. Evergreen trees may be used as substitutes for some of the shade trees.

b. Shrub masses, at least two rows deep and with shrubs alternately spaced, shall be provided along 100 percent of the length of the yard length. Shrubs shall be installed at a height of 18 inches and shall reach a mature height of not less than six feet. Berms may be used in conjunction with other landscaping materials to satisfy the height requirement.

c. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the community development coordinator.

d. A solid fence not exceeding six feet in height may be erected along 100 percent of the yard length in lieu of the landscaping requirement in Division 2.

Sec. 17-878. Screening of refuse disposal dumpsters.

Refuse disposal dumpsters in all zoning districts shall be screened on all sides by a solid wood or masonry fence to a height of not less than six feet but not more than eight feet.

Sec. 17-879. Changes to approved landscape plans.

Any change or deviation to an approved landscape plan shall require the approval of the community development coordinator. Changes which do not conform to this chapter shall be subject to the procedures for a variance as established in Article IV of this chapter. Landscape improvements made to a lot that are not in conformance with an approved landscape plan shall be a violation of this chapter, and subject to the fines and penalties established herein.

Sec. 17-880. Required landscaping in rear yards of through lots in R-3 and R-3A.

A minimum open space of at least ten feet in width shall be maintained. This area shall be covered in turf or other suitable landscaping ground cover, (excepting driveways) and shall contain the following vegetative improvements:

(a) A row of approved shrubs shall be planted along the entire length of the rear yard frontage. The shrub hedge shall have a
mature height of not less than six feet and the shrubs shall be placed on six-foot centers.

(b) In lieu of shrubbery, a solid fence not exceeding six feet in height may be erected across the entire rear yard frontage. Such fence shall be of a solid, opaque material sufficient to screen visibility and be placed along the inside edge of the required rear yard setback area.

(Ord. No. 11-04, § 3, 1-3-11)

Secs. 17-881—17-890. Reserved.

DIVISION 3. SIGNS

Sec. 17-891. Purposes.

Sec. 17-891. Purposes.

(a) To preserve the non-commercial character of residential neighborhoods and to provide reasonable yet appropriate conditions for identifying businesses and services rendered in commercial districts by controlling the size, type and design of signs in relation to the type and size of establishment.

(b) To reduce traffic hazards by restricting signs and lights which exceed the viewers' capacity to receive information or which increases the probability of accidents created by distracting attention or obstructing vision.

(c) To preserve order and cleanliness, maintain open spaces and avoid the appearance of clutter, protect property values, and prevent nuisances and invitations to vandalism.

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-892. Prohibited and exempt signage.

(a) Prohibited signs. The following signs are prohibited in all districts:

(1) Signs which move, or give the appearance of movement. This category includes signs which flutter, undulate, swing, rotate, oscillate or otherwise move by natural or artificial
means. Pennants, banners, and streamers may be used only on a temporary basis in business and industrial zones for grand opening and special sales promotions. The length of time such signs may be used is subject to the approval of the community development coordinator.

(2) Roof signs.

(3) Off-site signs except as permitted under section 17-894(a).

(4) Signs which imitate traffic signs. Signs which use the words "stop," "look," "danger," "go slow," "caution," or "warning," are deemed to be within this category except where such words are part of the name of the business. This category (4) does not include signs which are accessory to parking lots.

(5) Portable or wheeled signs.

(6) Signs placed on parked vehicles or trailers where the apparent purpose is to advertise a product or to direct people to a business or activity located on the same or nearby property.

(7) Inflatable images such as balloons may be used only on a temporary basis in business and industrial zones for grand opening and special sales promotions. Such signs may not be used for longer than five days in any 30-day period.

(8) Signs or other similar devices, internal or external, containing rapidly flashing or running lights or lights being at an interval, color, or character similar to lights as utilized by emergency service vehicles.

(b) Exempt signs. The following signs are hereby designated as "exempt signs" and, as such, are subject only to the regulations contained in this subsection.

(1) Signs used for safety purposes relative to the repair or maintenance of streets, sidewalks, or utilities in a public right-of-way.

(2) Nameplates not to exceed two square feet in area.

(3) Address numbers not to exceed two square feet in area.

(4) Paper notices placed on designated information kiosks.

(5) Signs and public notices erected or required by governmental bodies, or authorized for a public purpose by any law, statute or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as authorized by law, statute or ordinance.
(6) Public information signs identifying telephones, rest rooms and similar facilities. Advertising matter is not permitted on such signs. This category (6) does not include parking or driveway signs.

(7) Parking control signs and fire lane signs, intended to prohibit or impose conditions upon parking.

(8) Governmental flags, institutional, or commercial flags up to 120 square feet in size and a 40 feet height of pole, within B-1, B-2, O/I, M, and ROS Districts. In all other districts, including the downtown overlay district, flags are limited to 20 square feet in size and 24 feet in height of pole to be considered a flag, the object must be basically, rectangular in shape, made of a material resistant to outside weather conditions, capable of being raised or lowered on a daily basis and must be suspended from a freestanding pole.

(9) Memorial plaques and cornerstones not to exceed two square feet in area designed, intended, or used to preserve the memory of a person, place, or event, including landmark plaques and historical plaques which must be constructed of bronze or other incombustible materials and be permanently affixed to the building or premises.

(10) Matter appearing on gasoline pumps, newspaper vending boxes and automatic teller machines and other vending machines as purchased or installed.

(11) Matter appearing on or adjacent to entry doors including "push," "pull," "open" or "closed" signs, not exceeding one square foot in area per establishment.

(12) Matter appearing on display windows or doors to retail or service establishments denoting hours of operation, credit cards accepted, and similar information, not exceeding a cumulative total of two square feet in area per establishment.

(13) Church and school directional signs not to exceed two square feet in area.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 07-46, § 2, 12-4-07)

Sec. 17-893. Permit required.

(a) Sign permits required.

(1) After the effective date of this chapter, no person may erect, alter or relocate any permanent or temporary sign without first obtaining a permit from the office of building and zoning.

(2) Routine maintenance or changing parts
of a sign shall not be considered an alteration of a sign, provided that the maintenance or change of parts does not alter the type of installation, surface area, height, or otherwise make the sign non-conforming.

(b) **Electrical permit required.** In addition to complying with the provisions of this chapter, all signs in which electrical wiring and connections are to be used shall be regulated pursuant to the Electrical Code.

(c) **Applications for permits.**

(1) Application for the permit shall be made in writing, in duplicate, upon forms prescribed and approved by the community development coordinator, to the community development coordinator, and shall contain the following information:

   a. Name, address, and telephone number of applicant.

   b. Location of building, structure, or land on which the sign is to be erected.

   c. A detailed drawing or blueprint showing a description of the construction details of the sign and showing the face(s) composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any building or land; and its position in relation to nearby buildings or structures and to any private or public street or highway.

   d. Written consent of the owner of the building, structure, or land on which the sign is to be erected in the event the applicant is not the owner thereof.

   e. A copy of any required electrical permit issued for the sign, or a copy of the application therefor. Such other information or material which the community development coordinator deem necessary for any application for the maintenance of a sign requiring a conditional use.

(2) Filing fee. A fee shall be paid with each application for a sign permit in accordance with Article IV, Division 11, Fee Schedule. If an electrical permit is required, an additional fee shall be paid as required by the City of Macomb.

(3) Issuance of permits. It shall be the duty of the community development coordinator upon the filing of an application for a permit to erect a sign, to examine such plans, specifications, and other data submitted to him with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign. If the proposed sign is in compliance with all the requirements of this law and other laws of the City of Macomb, the community development coordinator shall issue a permit for the erection of the
proposed sign.

(d) Validity of permit. If the work authorized under a sign permit has not been completed within one year after the date of issuance, the permit shall become null and void.

(e) Failure to obtain permit. Any person who erects, alters or moves a permanent sign after the effective date of this chapter without obtaining a permit shall be subject to a penalty and or remedy as provided by Article IV, Division 11, Penalties and Remedies For Violations.

Sec. 17-894. General sign regulations.

(a) Limitations on location of signs. All permanent and temporary signs requiring a permit shall be located on the premises they are intended to serve except that off-site advertising signs are permitted within 500 lineal feet of the property advertised in AG, B-1, B-2, O/I, and M districts. Additionally, "cross-advertising" is permitted in situations where the same owner operates more than one business within. In these situations, provided all other applicable regulations of this section are met, a property owner may advertise for a second business at the site of the first business and visa versa. All signs shall be located pursuant to the following:

(1) No sign, whether temporary or permanent, shall be located within or shall obstruct the public right-of-way in any manner without the prior written consent of the city council. All freestanding signs, when not located upon a corner lot, can be placed within five feet of any property or lot lines. All signs located on corner lots shall be set back at least ten feet from the property or lot lines along public streets when located within 25 feet of the intersection of the front and side yard lot lines. Signs within ten feet of the property line along a public street on a corner lot and within 25 feet of the intersection of lot lines as noted above shall be either placed with the bottom of the sign a minimum of nine feet above the adjacent street grade or with the top of the sign placed no more than 30 inches above the adjacent street grade so as not to block vehicle visibility.

(2) No sign shall be erected or placed so as to prevent free ingress and egress from any door, window, or fire escape, nor shall such sign be attached to any standpipe or fire escape.

(3) Welcoming signs to the City of Macomb are permitted within 1,000 lineal feet of the municipal limits located on North Lafayette, East Jackson, West Jackson and South Johnson Streets. Such signs shall be monument type only with a size limit of 100 square feet and a height limit of ten feet.

(b) Calculating sign area. Sign area is defined as the area within any perimeter enclosing the limits of lettering, emblems, or other figures
on a sign, together with any material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed. Structural members bearing no sign copy shall not be included in its space area. In the case of a multi-faced sign all sides shall be included in the calculation of surface area.

(c) **Illumination of signs.**

(1) **Types of illuminated signs.** Illuminated signs shall be limited to the following:

   a. Interior luminous tubes,
   b. Enclosed floodlighting using white or daylight gooseneck-type lamps, or
   c. Backlighting of items of information.
   d. LED electronic, illumination.

(2) **Brightness limitations.**

   a. Whenever external illumination is used for a sign, the source of light shall be located, shielded and directed in such a manner that the light does not shine or cause glare onto any surrounding public street or private residence, pursuant to article VII, division 4.
   
   b. In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 foot-candles when measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign.
   
   c. Signs may have electronic areas that display: drawings, streaming video; symbols or logo; scrolling text messages; shrinking or enlarging lettering; changing shapes and figures; recreated photographs; or flash at reasonable readable intervals. Such signs will be referred to as LED display signs. Signs of any type with very rapidly flashing messages or patterns, i.e., strobe lighting will not be permitted. Any graphically enhanced (LED display) electronic signs as described above shall be limited to a maximum height of 24 feet and the graphic display surface shall cover no more than 36 square feet in area. LED display signs as outlined above shall be permitted in AG, O/I, B-1, B-2, M-1 and M-2 zoning districts. LED display signs located within the Downtown District, Adams Street Mixed Use District or within any local, state or national historic district regardless of zoning designation shall be limited to a maximum size of eight square feet in graphic display surface area. These signs shall also be limited to portraying only symbols,
logos and/or scrolling text messages. No text message may blink or flash at rapid intervals, (less than three seconds) or mimic strobe lighting. The number of such signs will be limited to one for each building face per business. The actual square footage of LED signs in all zoning districts shall be calculated as part of the maximum allowable size by type of sign and percentage of wall or window coverage as listed in Tables 7.3.5A thru G and accompanying supplementary regulations.

(3) **Hours of illumination.** No sign shall be illuminated between the hours of 12:00 a.m. and 5:00 a.m., unless the activity displaying the sign is open for business during those hours. The community development coordinator is authorized to grant an exemption from the provisions of this subsection to any activity in which illumination of signs during the hours otherwise prohibited is necessary or desirable for the security and safety of the activity or for property in the custody of the activity.

(4) **Voltage plate.** All signs in which electrical wiring and connections are to be used shall have affixed thereon a plate showing the voltage of the electrical apparatus used in connection with the sign. This voltage plate shall face away from public view and right-of-way.

(d) **General construction and maintenance requirements.**

(1) **Construction.** All permanent signs shall be constructed of a safe, strong, and permanent material which, at a minimum, shall be fireproofed and designed to withstand wind loads typical of the sign's application. Nails, tacks, or wires or other hazardous projections are prohibited. Any glass forming a part of any sign shall be safety glass. If any single piece or pane of glass exceeds four square feet, such piece or pane shall be composed of wired, safety or plexi-glass.

(2) **Maintenance.** All signs shall be kept and maintained in a safe, clean and orderly condition and appearance, and shall be repainted or otherwise maintained periodically by the owner to prevent corrosion or deterioration caused by weather, age or any other conditions.

(e) **Other city codes.**

(1) All signs shall be constructed, erected and maintained in accordance with the Macomb Building Code.

(2) The provisions of this chapter shall not amend, nor in any way interfere with, other codes, rules or regulations governing traffic signs within the city or its planning jurisdiction.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2765, § 2, 7-7-98; Ord. NO. 07-46, § 4, 12-4-07; Ord. No. 13-05, § 2, 1-22-13)
Sec. 17-895. Sign regulations by district.

(a) AG Agricultural District.

(1) Purpose and applicability. Sign regulations for the AG Agricultural District are intended to provide appropriate signage for the limited commercial and agricultural uses located in the district, while having a minimal impact on the one family residential uses which are also permitted in the district and the area's overall atmosphere. All lots within the AG District shall conform to the sign regulations in Table 7.3.5.A., below.

<table>
<thead>
<tr>
<th>Types of Signs Permitted</th>
<th>Number of signs Permitted</th>
<th>Maximum Area Per Face in Sq. Ft.</th>
<th>Maximum Height in Feet*</th>
<th>Duration of Sign Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Sign</td>
<td>2</td>
<td>8</td>
<td>4</td>
<td>Duration of construction activity</td>
</tr>
<tr>
<td>Special event Sign</td>
<td>1</td>
<td>16</td>
<td>8</td>
<td>48 hours</td>
</tr>
<tr>
<td>Garage/Yard Sale Sign</td>
<td>1</td>
<td>6</td>
<td>4</td>
<td>72 hours</td>
</tr>
<tr>
<td>Political Sign</td>
<td>No limit</td>
<td>8</td>
<td>4</td>
<td>90 days before and 10 days after election</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>1</td>
<td>16</td>
<td>4</td>
<td>10 days after sale</td>
</tr>
<tr>
<td>Signs advertising agricultural products grown on-site</td>
<td>1</td>
<td>16</td>
<td>8</td>
<td>period of active sales</td>
</tr>
<tr>
<td>Entry Sign</td>
<td>1/use</td>
<td>24</td>
<td>8</td>
<td>no limit</td>
</tr>
<tr>
<td>Wall Sign</td>
<td>3/structure</td>
<td>*100 s.f. + additional 1 s.f. for each 1 ft. of setback, not to exceed height of wall</td>
<td>no limit</td>
<td></td>
</tr>
</tbody>
</table>

*100 s.f. + additional 1 s.f. for each 1 ft. of setback, not to exceed height of wall.
exceed a total of 300 s.f. for all flat/wall signs combined

| Monument Sign | 1/use | 60 sq. ft. | 8 | no limit |
| Pole Sign     | 1/use | *150 sq. ft. per use for one use or 100 s.f. per use for two or more uses on the same pole. | 30 | no limit |
| Window Sign   | no limit | 25% of total window area per floor | no limit | no limit |

* For lots with a frontage of less than 150 L.F., all pole and wall/flat sign maximum sizes as listed above shall be reduced by 33%.

(2) Supplementary regulations for signs in the AG District.
   
   a. Total number of signs. The total number of signs for a use in the AG district shall not exceed five with the exception of seasonal seed signs which are not limited in number.

   (b) Sign regulations for one- and two-family and mobile home districts.

   (1) Purpose and applicability. Sign regulations for these districts are intended to limit the use of signage to situations typically accessory to single-family residential use. The number, size and duration of signage permitted shall be controlled to prevent the creation of nuisances and impacts on the use and enjoyment of surrounding residential property. All lots within the R-1, R-2, R-3, and MH Districts shall conform to the sign regulations in Table 7.3.5.B., below.

Table 7.3.5.B. Sign Type, Size and Height Restrictions for One- and Two-Family and Mobile Home Districts

<table>
<thead>
<tr>
<th>Types of Signs Permitted</th>
<th>Number of Signs Permitted</th>
<th>Maximum Area Per Face in Sq. Ft.</th>
<th>Maximum Height in Feet*</th>
<th>Duration of sign Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Sign</td>
<td>2</td>
<td>8</td>
<td>4</td>
<td>Duration of construction</td>
</tr>
<tr>
<td>Activity</td>
<td>Quantity</td>
<td>Duration</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>Special Event Sign</td>
<td>1</td>
<td>12</td>
<td>6</td>
<td>48 hours</td>
</tr>
<tr>
<td>Garage/Yard Sale Sign</td>
<td>1</td>
<td>6</td>
<td>4</td>
<td>72 hours</td>
</tr>
<tr>
<td>Political Sign</td>
<td>no limit</td>
<td>8</td>
<td>4</td>
<td>90 days</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>1</td>
<td>8</td>
<td>4</td>
<td>10 days after the sale</td>
</tr>
<tr>
<td>New Development Sign</td>
<td>2</td>
<td>-100 /sign;</td>
<td>20</td>
<td>1 year</td>
</tr>
<tr>
<td>Development Entry Sign</td>
<td>1/entry</td>
<td>no limit</td>
<td>10</td>
<td>no limit</td>
</tr>
<tr>
<td>Identification Signs for Permitted Non-Residential Uses</td>
<td>1</td>
<td>.5 sq. ft. per linear ft. of lot frontage; total not to exceed 30 sq. ft.</td>
<td>8</td>
<td>no limit</td>
</tr>
</tbody>
</table>

(2) Supplementary regulations for signs in the one- and two-family and mobile home districts.

a. Total number of signs. The total number of signs for each residential use shall not exceed two. This total number of signs permitted shall not include nameplates, public safety signs, or development entry signs.

b. Permitted non-residential uses. Except for the controls established in Table 7.3.5.B, above, signs for permitted non-residential uses shall conform to subsection (d), Sign Regulations For O/I Office/Institutional Districts.

c. Illumination. Signs shall not be illuminated, except for development entry signs.

c) Sign regulations for the MF Multiple-family District.

(1) Purpose and applicability. Sign regulations for the MF Multiple-Family District are intended to allow for appropriate identification of multifamily buildings while limiting other forms of signage to a level consistent with the needs of multiple-family
residents. The following regulations shall apply to each multiple-family building, whether on a separate lot of record or as part of a multiple-family development which may have multiple buildings on a lot, except that regulations on new development signs and development entry signs shall apply to the lot, regardless of the number of buildings on the lot. All lots within the R-4 Multiple-Family Districts shall conform to the sign regulations in Table 7.3.5.C., below.

Table 7.3.5.C. Sign Type, Size and Height Restrictions for Multiple-Family Districts

<table>
<thead>
<tr>
<th>Types of Signs Permitted</th>
<th>Number of Signs Permitted</th>
<th>Maximum Area Per Face in Sq. Ft.</th>
<th>Maximum Height in Feet*</th>
<th>Duration of sign Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Sign</td>
<td>2</td>
<td>8</td>
<td>4</td>
<td>Duration of construction activity</td>
</tr>
<tr>
<td>Special Event Sign</td>
<td>1</td>
<td>12</td>
<td>6</td>
<td>48 hours</td>
</tr>
<tr>
<td>Garage/Yard Sale Sign</td>
<td>1</td>
<td>6</td>
<td>4</td>
<td>72 hours</td>
</tr>
<tr>
<td>Political Sign</td>
<td>no limit</td>
<td>8</td>
<td>4</td>
<td>90 days</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>1</td>
<td>8</td>
<td>4</td>
<td>no limit</td>
</tr>
<tr>
<td>New Development Sign</td>
<td>1</td>
<td>100 /sign;</td>
<td>20</td>
<td>year</td>
</tr>
<tr>
<td>Wall Sign</td>
<td>2</td>
<td>10</td>
<td>height of wall</td>
<td>no limit</td>
</tr>
<tr>
<td>Monument Sign</td>
<td>1</td>
<td>20</td>
<td>6</td>
<td>no limit</td>
</tr>
<tr>
<td>Identification Signs for Permitted Non-Residential Uses</td>
<td>1</td>
<td>40</td>
<td>8</td>
<td>no limit</td>
</tr>
</tbody>
</table>

(2) Supplementary regulations for signs in the MF Multiple-Family District.
a. **Total number of signs.** The total number of signs for multifamily residential buildings shall not exceed three. This total number of signs permitted shall not include nameplates, public safety signs, or development entry signs.

b. **Permitted non-residential uses.** Except for the controls established in Table 7.3.5.C., above, signs for permitted non-residential uses shall conform to subsection E, Sign Regulations For Institutional Districts.

c. **Illumination.** Illuminated signs for multifamily buildings or developments shall be limited to new development signs, development entry signs and monument signs.

d. **Sign regulations for the O/I Office/Institutional and ROS Recreation and Open Space Districts.**

   (1) **Purpose and applicability.** Sign regulations for the O/I and ROS Districts are established to control signage for public and semi-public uses and facilities. These regulations are intended to respond to larger campus-type settings as well as development on individual lots. All lots within the O/I and ROS Districts shall conform to the sign regulations in Table 7.3.5.D., below.

### Table 7.3.5.D. Sign Type, Size and Height Restrictions for the O/I and ROS Districts

<table>
<thead>
<tr>
<th>Types of Signs Permitted</th>
<th>Number of Signs Permitted</th>
<th>Maximum Area Per Face in Sq. Ft.</th>
<th>Maximum Height in Feet</th>
<th>Duration of sign Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Sign</td>
<td>2</td>
<td>32</td>
<td>8</td>
<td>Duration of construction activity</td>
</tr>
<tr>
<td>Political Sign</td>
<td>no limit</td>
<td>8</td>
<td>4</td>
<td>90 days</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>1</td>
<td>24</td>
<td>8</td>
<td>no limit</td>
</tr>
<tr>
<td>Flat Sign</td>
<td>2/building</td>
<td>*.5 s.f./linear ft. of building frontage; total not to exceed 200 s.f.</td>
<td>30 or building wall height</td>
<td>no limit</td>
</tr>
<tr>
<td>Monument Sign</td>
<td>1/building</td>
<td>60</td>
<td>8 feet</td>
<td>no limit</td>
</tr>
<tr>
<td>Special Event</td>
<td>1</td>
<td>16</td>
<td>8</td>
<td>48 hours</td>
</tr>
<tr>
<td>Sign Type</td>
<td>Permits/Location</td>
<td>Permits/Square Feet</td>
<td>Height Limit</td>
<td>Length Limit</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------</td>
<td>---------------------</td>
<td>--------------</td>
<td>--------------</td>
</tr>
<tr>
<td>Development Entry Sign</td>
<td>1/entry</td>
<td>100 each</td>
<td>16 feet</td>
<td>no limit</td>
</tr>
<tr>
<td>Window Sign</td>
<td>2/building</td>
<td>12 s.f.</td>
<td>no limit</td>
<td>no limit</td>
</tr>
<tr>
<td>Nameplates</td>
<td>1/building</td>
<td>3</td>
<td>if ground mounted</td>
<td>no limit</td>
</tr>
<tr>
<td>Marquee Signs</td>
<td>1/building</td>
<td>20</td>
<td>no limit</td>
<td>no limit</td>
</tr>
</tbody>
</table>

* In no case shall total wall signage exceed 25% of applicable total wall surface.

(2) Supplementary regulations for signs in the O/I and ROS Districts.

a. **Total number of signs.** Five signs are permitted from the following sign types: wall signs, marquee signs, monument signs, special event, window signs, development entry signs, construction signs, political signs, and real estate signs. No limit is placed on the number of public safety signs.

b. **Illumination.** Illuminated signs shall be limited to wall signs, monument signs, marquee signs, window signs, and development entry signs.

c. **Landscaping.** All freestanding signs shall be located within a landscape yard. Such landscape yard shall be planted in a manner deemed appropriate by the community development coordinator. Landscaped areas shall consist of a minimum of 20 square feet and shall be covered with mulch, landscape rock or sod. Appropriate shrubbery vegetation or flowers are also encouraged.

d. **Items of information.** Wall signs, marquee signs, monument signs and window signs shall be limited to the name of the building or use, except that monument signs used as directories shall not be limited in terms of items of information.

(e) **Sign regulations for business districts.**

(1) **Purpose and applicability.** Sign regulations for the B-1 and B-2 Business Districts are established to respond to the underlying nature of the district, which is generally that of lot by lot commercial development on smaller parcels along highly traveled roadways. Given this context, these sign controls are intended to:

a. Promote traffic safety by enhancing visual clarity for passing motorists;
b. Enhance the aesthetics of business areas within the Business Districts;

c. Coordinate signage and landscape requirements of the Business Districts; and

d. Relate the physical dimensions of signs to the scale of buildings and lots within the district. All lots within the B-1 and B-2 Districts shall conform to the sign regulations in Table 7.3.5.E.

Table 7.3.5.E. Sign Type, Size and Height Restrictions for the B-1 And B-2 Business Districts

<table>
<thead>
<tr>
<th>Types of Signs Permitted</th>
<th>Number of Signs Permitted</th>
<th>Maximum Area Per Face in Sq. Ft.</th>
<th>Maximum Height in Feet*</th>
<th>Duration of sign Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Sign</td>
<td>2</td>
<td>16</td>
<td>8</td>
<td>Duration of construction activity</td>
</tr>
<tr>
<td>Political Sign</td>
<td>2</td>
<td>8</td>
<td>4</td>
<td>90 days</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>1</td>
<td>16</td>
<td>8</td>
<td>no limit</td>
</tr>
<tr>
<td>Projecting Signs</td>
<td>1</td>
<td>.5 s.f./linear ft. of lot frontage; not to exceed 35</td>
<td>height of building</td>
<td>no limit</td>
</tr>
<tr>
<td>Flat Sign</td>
<td>*4/use</td>
<td>**200 s.f. + 1 s.f. for each 2 ft. set back exceeding 70 ft. plus one additional s.f. for each 2 l.f. of lot width (frontage) exceeding 120 l.f. not to exceed 700 s.f. for all flat/wall signs combined</td>
<td>30 or height of wall</td>
<td>no limit</td>
</tr>
<tr>
<td>Wall Sign***</td>
<td>*4/use</td>
<td>**200 s.f. + 1 s.f. for each 2 ft. set back exceeding 70 ft. plus one</td>
<td>30 or height of wall</td>
<td>no limit</td>
</tr>
<tr>
<td>Sign Type</td>
<td>Count</td>
<td>Size</td>
<td>Height</td>
<td>Limit</td>
</tr>
<tr>
<td>--------------------</td>
<td>---------</td>
<td>-------------------------------</td>
<td>------------</td>
<td>-------</td>
</tr>
<tr>
<td>Pole Sign***</td>
<td>1/lot</td>
<td>150 s.f. per use</td>
<td>30</td>
<td>no limit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>for one use of 100 s.f. per</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>use for two or more uses on</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>the same pole</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monument Sign</td>
<td>1/lot</td>
<td>60 s.f.</td>
<td>8</td>
<td>no limit</td>
</tr>
<tr>
<td>Window Sign</td>
<td>no limit</td>
<td>25% of total frontage window</td>
<td>30</td>
<td>no limit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>area per floor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marquee Sign</td>
<td>1/use</td>
<td>.5 s.f./linear ft. of store</td>
<td>first floor</td>
<td>no limit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>front; total not to exceed</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>40 s.f.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canopy/Awning</td>
<td>1/use</td>
<td>total not to exceed 40 s.f.</td>
<td>30</td>
<td>no limit</td>
</tr>
<tr>
<td>Signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special Event</td>
<td>1</td>
<td>12</td>
<td>6</td>
<td>48 hours</td>
</tr>
<tr>
<td>New Development</td>
<td>1</td>
<td>100</td>
<td>20</td>
<td>1 year</td>
</tr>
</tbody>
</table>

* Maximum of 4 flat and/or wall signs combined per use.

** In no case shall total wall signage exceed 25% of applicable total wall surface.

*** For lots with a frontage of less than 120 L.F. all pole sign maximum sizes as listed above shall be reduced by 33% and all wall/flat sign maximum sizes as listed above shall be reduced by 45%.

(2) Supplementary regulations for signs in the B-1 and B-2 Business Districts.

a. Total number of signs. Four flat sign
and/or wall signs combined are permitted per use, or as an alternative, canopy/awning or marquee signs are permitted as established in Table 7.3.5.E. One monument sign or pole sign is permitted, provided the lot frontage conforms with subsection c., below. Two additional signs shall be permitted for each building from the following sign types: construction signs, political signs, real estate signs and new development signs. No limit is placed on window signs or public safety signs.

b. Illumination. Illuminated signs shall be limited to wall signs, flat signs, monument signs, window signs, marquee signs and pole signs.

c. Lot frontage requirements. A minimum lot frontage of 60 feet shall be required for pole signs or monument signs.

d. Landscaping. All freestanding signs shall be located within landscape areas whenever possible.

e. Items of information. Monument signs, pole signs, flat signs and wall signs shall be limited to the name of the business and one other item of information.

f. Permanent reader board signs may be used in conjunction with pole, monument, wall and marquee signs. The total size of the reader board and the corresponding pole, monument, wall or marquee sign shall be no larger than the maximum area per said signs listed in Table 7.3.5.E.

(f) Sign regulations for the Downtown Business District and the Adams Street Mixed Use District.

(1) Purpose and applicability. Sign regulations for the Downtown Business District and the Adams Street Mixed Use District are intended to reflect the unique character of the area as a center of commerce, entertainment and civic activity. As such, sign regulations are intended to allow for the design of signage that complements the physical and functional characteristics of the downtown and Adams Street. The Downtown Business District, for the purpose of regulating signage, shall be defined as an area bounded by Campbell, Calhoun, McArthur, and Jefferson Streets. All lots within the Downtown Business District shall conform to the sign regulations in Table 7.3.5.F., below.

Table 7.3.5.F. Sign Type, Size and Height Restrictions for the Downtown District and the ASMU Adams Street Mixed Use District

<table>
<thead>
<tr>
<th>Types of Signs Permitted</th>
<th>Number of Signs Permitted</th>
<th>Maximum Area Per Face in Sq. Ft.</th>
<th>Maximum Height in Feet*</th>
<th>Duration of sign Display</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>8</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sign Type</td>
<td>Number</td>
<td>Area</td>
<td>Height</td>
<td>Duration</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>--------</td>
<td>------</td>
<td>--------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Construction Sign</td>
<td>16</td>
<td></td>
<td></td>
<td>90 days</td>
</tr>
<tr>
<td>Political Sign</td>
<td>no limit</td>
<td>8</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>New Development Sign</td>
<td>1</td>
<td>50</td>
<td>12</td>
<td>1 year</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>1</td>
<td>16</td>
<td>8</td>
<td>10 days after sale</td>
</tr>
<tr>
<td>Projecting Sign</td>
<td>1</td>
<td>20</td>
<td>building wall height</td>
<td>no limit</td>
</tr>
<tr>
<td>Flat Sign</td>
<td>*4/structure</td>
<td>**100 combined wall/flat</td>
<td>10</td>
<td>no limit</td>
</tr>
<tr>
<td>Wall Sign</td>
<td>*4/structure</td>
<td>**100 combined wall/flat limit</td>
<td>building wall height</td>
<td>no limit</td>
</tr>
<tr>
<td>Sidewalk Sign</td>
<td>1/lot</td>
<td>12</td>
<td>6</td>
<td>no limit</td>
</tr>
<tr>
<td>Canopy/awning signs</td>
<td>1/use</td>
<td>total not to exceed 40 s.f. on one side of building; 30 s.f. for each additional side beyond one</td>
<td>30</td>
<td>no limit</td>
</tr>
<tr>
<td>Monument Sign</td>
<td>1/lot</td>
<td>.5 s.f./linear ft. of lot frontage; not to exceed 60</td>
<td>no limit</td>
<td></td>
</tr>
<tr>
<td>Window Sign</td>
<td>no limit</td>
<td>25% of total frontage window area per floor</td>
<td>no limit</td>
<td></td>
</tr>
<tr>
<td>Special Event</td>
<td>1</td>
<td>12</td>
<td>6</td>
<td>72 hours</td>
</tr>
<tr>
<td>Nameplate, Identifying Building Name</td>
<td>1/building</td>
<td>3</td>
<td>if ground mounted</td>
<td>8, no limit</td>
</tr>
</tbody>
</table>

*Note: *4/structure means it can be repeated up to 4 times per structure or building.
*maximum of four (4) flat and/or wall signs combined.

** In no case shall such signs cover more than 25% of the total wall surface area.

*** Sidewalk signs are permitted in ASMU District with a minimum pedestrian clearance of three (3) feet.

(2) Supplementary sign regulations for the Downtown and Adams Street Mixed Use Districts.

a. **Total number of signs.** Two flat signs or wall signs are permitted per lot. In addition, one monument, pole, or projecting sign is permitted per lot. Two additional signs shall be permitted for each building from the following sign types: construction signs, new development signs, political signs, real estate signs and new development signs. One nameplate per building may be added to the signs permitted above. No limit is placed on window signs or public safety signs.

b. **Illumination.** Illuminated signs shall be limited to wall signs, monument signs, projecting signs, window signs, marquee signs, pole signs and new development signs.

c. **Sign setbacks.** All freestanding signs shall setback not less than five feet from the front or corner side lot lines. Canopy/awning, projecting and marquee in the Downtown Business District may extend over the public sidewalk when a building directly abuts the sidewalk as long as the vertical clearance for all parts of the sign complies with the requirements of the Building Code.

d. **Items of information.** Wall signs, monument signs, projecting signs, window signs, and marquee signs shall be limited to the name of the business and one other item of information.

(g) Sign regulations for the M-1 and M-2 Manufacturing Districts.

(1) **Purpose and applicability.** Sign regulations for the M-1 and M-2 Districts are intended to provide for appropriate identification of Manufacturing and manufacturing uses. All lots within the M-1 and M-2 Manufacturing Districts shall conform to the sign regulations in Table 7.3.5.H., below.

(2) **Supplementary regulations for signs in the M-1 and M-2 Manufacturing Districts.**

a. **Total number of signs.** Three wall signs are permitted per structure. One monument sign or pole sign is permitted, provided the lot frontage conforms with subsection c., below. Two additional signs shall be permitted for each building from the following sign types: construction signs,
political signs, real estate signs and new development signs. No limit is placed on window signs or public safety signs.

   b. **Illumination.** Illuminated signs shall be limited to wall signs, monument signs, window signs, pole signs and marquee signs.

c. **Lot frontage requirements.** A minimum lot frontage of 60 feet shall be required for monument and pole signs.

d. **Landscaping.** All freestanding signs shall be located within landscape areas as described in section 17-895(d)(2)c. whenever possible.

e. **Items of information.** Monument signs and wall signs shall be limited to the name of the business and one other item of information.

   f. Permanent reader board signs may be used in conjunction with pole, monument, wall and marquee signs. The total size of the reader board shall be no larger than the maximum area per said signs listed in Table 7.3.5.G.

### Table 7.3.5. G. Sign Type, Size and Height Restrictions for Manufacturing

<table>
<thead>
<tr>
<th>Types of Signs Permitted</th>
<th>Number of Signs Permitted</th>
<th>Maximum Area Per Face in Sq. Ft.</th>
<th>Maximum Height in Feet*</th>
<th>Duration of sign Display</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Sign</td>
<td>2</td>
<td>16</td>
<td>8</td>
<td>Duration of construction activity</td>
</tr>
<tr>
<td>Political Sign</td>
<td>no limit</td>
<td></td>
<td>8</td>
<td>90 days</td>
</tr>
<tr>
<td>Real Estate Sign</td>
<td>1</td>
<td>32</td>
<td>8</td>
<td>10 days from sale</td>
</tr>
<tr>
<td>Wall/Flat Sign</td>
<td>3/structure</td>
<td>**150 s.f. + an additional s.f. for each one foot of setback, not to exceed a total of 400 s.f. for all flat/wall signs combined</td>
<td>height of wall</td>
<td>no limit</td>
</tr>
<tr>
<td>Sign Type</td>
<td>Per Lot</td>
<td>Max Area</td>
<td>Use Limitation</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>---------</td>
<td>----------</td>
<td>-------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Monument Sign</td>
<td>1/lot</td>
<td>60 s.f.</td>
<td>no limit</td>
<td></td>
</tr>
<tr>
<td>Pole Sign</td>
<td>1/lot</td>
<td><strong>150 s.f.</strong> per use for one use or 100 s.f. per use for two or more uses on the same pole</td>
<td>30 s.f. per use for one use or 100 s.f. per use for two or more uses on the same pole</td>
<td></td>
</tr>
<tr>
<td>Window Sign</td>
<td>no limit</td>
<td>25% of total frontage window area per floor</td>
<td>no limit&lt;br&gt; no limit&lt;br&gt; no limit</td>
<td></td>
</tr>
<tr>
<td>Special Event</td>
<td>1</td>
<td>16</td>
<td>8 days for one use or 48 hours for two or more uses on the same pole</td>
<td></td>
</tr>
<tr>
<td>Projecting Signs</td>
<td>1</td>
<td>0.5 s.f. per linear ft. of lot frontage; not to exceed 60 s.f.</td>
<td>0.5 height of wall</td>
<td>no limit</td>
</tr>
</tbody>
</table>

* Applies only to ground mounted signs, no restriction on building mounted signs.

** For lots with a frontage of less than 120 L.F., all pole and wall/flat sign maximum sizes as listed above shall be reduced by 33%.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2765, § 3, 7-7-98; Ord. No. 07-46, § 5, 12-4-07; Ord. No. 08-58, §§ 2—6, 12-15-08; Ord. No. 09-36, §§ 8, 9, 9-21-09)

Secs. 17-896—17-905. Reserved.

DIVISION 4. GENERAL DEVELOPMENT STANDARDS

Sec. 17-906. General regulations.

Sec. 17-907. Temporary uses.

Sec. 17-908. Home occupations.

Sec. 17-909. Antennae.

Sec. 17-910. Manufactured housing standards.

Sec. 17-906. General regulations.

(a) Reduced lot area. No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on said lot shall not thereafter be used until such building is altered, reconstructed, or relocated so as to comply with the area and
yard requirements applicable thereto.

(b) **Dwellings on small lots.** Notwithstanding the limitations imposed by any other provisions of this chapter a dwelling may be erected on any lot of record or separately owned or under contract of sale and containing, at the time of the passage of this Code, an area or a width smaller than that required for a one-family dwelling.

(c) **Visibility at intersections.** On a corner in any residence district no fence, wall, hedge, earth terraces, parking facilities or other structure or plant which would obstruct motor vehicle visibility of traffic approaching the corner or intersection, shall be erected, placed or maintained within the triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining said lot lines at points which are 20 feet distant from the point of intersecting lot lines.

(d) **Occupancy loads.** The occupancy load for any building in the City of Macomb shall be set by the occupancy load standards in the Building Code.

(e) **Height regulation exceptions.** All overhanging canopies, marquees awnings, and similar structures must be at least eight feet above the sidewalk at any point, and overhanging signs must be a minimum of eight feet above the curb level. Such structures cannot project nearer than two feet to any curb, driveway, or alley.

(f) **Allowable encroachments.** The following table lists objects and structures which are allowed to be developed within required setbacks and yards. The dimensions associated with each such object or structure indicate the limits of how high or how close to other structures or lot lines they may be located.

(g) **Fencing allowances.**

1. Fences within corner side yards may be installed with a maximum height of six feet in residential districts and a maximum of eight feet in commercial and industrial districts. A fence in the corner side yard shall not extend beyond the minimum front yard setback for the zoning district in which the property is located, if the existing building line is located within this minimum setback requirement. A fence in a corner side yard may not be located within 15 feet of the edge of a street surface or curb line, so as to not obstruct visibility. The determination on which street frontage constitutes the corner side yard shall be made by the community development coordinator.

2. Within M-1 light manufacturing zoning districts and M-2 general manufacturing zoning districts, fencing that is regarded as being made of a see-through or transparent material (i.e. chain-link or equivalent thereof) by the community development coordinator may be erected and placed up to all perimeter property lines unless a solid fence is required by another section of this Code. Such
fence may be up to eight feet in height.

(h) **Fencing aesthetics.** The decorative side of fencing shall be displayed towards the public street and alley to promote neighborhood aesthetics. Structural posts, framing and supports associated with the fence construction are generally discouraged from public view. A determination on which fence face represents the decorative side shall be made by the community development coordinator.

(i) In R-1 and R-2 Single Family Residential districts, accessory structures clearly related to and directly subordinate to a principal residential use may, through issuance of a special use permit be located on a lot other than that containing the subject principal structure when the following two conditions are met: 1) both lots are owned by the same person or entity; and 2) the lot containing the accessory structure is adjacent to or located within not more than 100 feet of the property containing the associated principal structure.

Table 7.4.1. Allowable Encroachments

<table>
<thead>
<tr>
<th>Type of Structure or Use Encroachment</th>
<th>Front and Corner Side Yard</th>
<th>Interior Side Yard</th>
<th>Rear Yard</th>
<th>Through Lots Rear Yards in R-3, R-3A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air-conditioners which are window units:</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>P</td>
</tr>
<tr>
<td>Air-conditioners which are ground units:</td>
<td></td>
<td>See general requirements for Accessory Structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antennae shall be no higher than ten feet above the highest point of the structure and may be located no further from the principal structure than:</td>
<td>X</td>
<td>12&quot;</td>
<td>12&quot;</td>
<td>P</td>
</tr>
<tr>
<td>Arbors and trellises are permitted</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>30&quot;</td>
<td>30&quot;</td>
<td>30&quot;</td>
<td></td>
</tr>
<tr>
<td>---------------------</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
<td></td>
</tr>
<tr>
<td>Awnings and canopies:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balconies:</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td></td>
</tr>
<tr>
<td>Bay windows which are one story high and occupy no more than 35 percent of the front building face may extend from the building face no more than:</td>
<td>3'</td>
<td>3'</td>
<td>3'</td>
<td></td>
</tr>
<tr>
<td>Belt courses, window sills and other ornamental features may extend no further from the building face than:</td>
<td>6&quot;</td>
<td>6&quot;</td>
<td>6&quot;</td>
<td></td>
</tr>
<tr>
<td>Breezeways:</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Pool and filtering equipment shall be located proximate to the pool and no closer to an adjacent property line than:</td>
<td>X</td>
<td>5'</td>
<td>5'</td>
<td></td>
</tr>
<tr>
<td>Cornices:</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td></td>
</tr>
<tr>
<td>Chimneys which shall not occupy more than 35 percent of the front building face may project from the building</td>
<td>3'</td>
<td>3'</td>
<td>3'</td>
<td></td>
</tr>
<tr>
<td>Feature Description</td>
<td>3'</td>
<td>5'</td>
<td>8'</td>
<td>X</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>---</td>
</tr>
<tr>
<td>Decks, open two feet high or more shall be located from an adjacent property no closer than:</td>
<td>X</td>
<td>5'</td>
<td>5'</td>
<td>X</td>
</tr>
<tr>
<td>Eaves may extend from the structure no more than:</td>
<td>3'</td>
<td>3'</td>
<td>3'</td>
<td>P</td>
</tr>
<tr>
<td>Entrance canopies and similar overhanging roofed spaces no larger in horizontal area than one square foot per each two foot of lot frontage are permitted</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Fallout shelters (completely underground) are permitted only in the rear yard</td>
<td>X</td>
<td>X</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Fences or walls in residential districts shall be constructed no higher than:</td>
<td>3'</td>
<td>6'</td>
<td>6'</td>
<td>X</td>
</tr>
<tr>
<td>Fences or walls in commercial and industrial districts shall be constructed no higher than:</td>
<td>3'</td>
<td>8'</td>
<td>8'</td>
<td>X</td>
</tr>
</tbody>
</table>
higher than: | See also Section 17-906(g) and (h)
---|---
Fences, general: |  
| X | 3' | 4' | P
---|---|---|---
Fire escapes may project from the structure no more than: |  
| 12' | 5' | 5' | P
---|---|---|---
Flagpoles may be no more than the permitted building height and shall be located no closer to an adjacent property line than: |  
| X | 5' | 3' | 3' | X
---|---|---|---|---
Detached garages may be no higher than 25 feet or the height of the main structure whichever is less and shall be located no closer to a property line than: |  
| X | if greater than 12' from structure | 5' | 3' | X
---|---|---|---|---
Clothes lines and poles shall be located no closer to a property line than: |  
| X | X | 6' | X
---|---|---|---|---
Parking, carports and covered parking spaces may be located no closer to a property line than: |  
| X | 5' | 5' | X
---|---|---|---|---
| 8' | P | P | X
<table>
<thead>
<tr>
<th>Open porches:</th>
<th>X</th>
<th>5'</th>
<th>5'</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreational equipment (except basketball standards, see below) may be located no closer to a property line than:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs shall be located as per Article VII, Division 3</td>
<td>See Article VII, Division 3.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalk and steps are permitted</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Terraces which are open and not over three feet above the average level of the adjoining grade are permitted (does not include permanently roofed-over terrace or porch)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Retaining walls no higher than four feet are permitted</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

Notes:
P is permitted
X is prohibited
x' indicates the number of feet a structure or use may project into the yard
x" indicates the number of inches a structure or use may project into the yard
Sec. 17-907. Temporary uses.

(a) **Purpose.** Temporary uses are intended to occasionally permit some activities which would not normally be permitted if they are of minimum scope and intensity as regulated herein. Temporary uses fall into two categories, administrative and discretionary. Administrative temporary uses require a permit from the community development coordinator subject to the requirements and restrictions herein, except that a permit is not required for any administrative temporary use of less than eight days scheduled duration and less than 300 square feet in total area provided all other requirements and restrictions herein are met. Discretionary temporary uses require a conditional use permit and shall also be subject to the requirements and restrictions herein. Any temporary signs associated with temporary uses are subject to the provisions of Article VII, Division 3, Signs.

(b) **General regulations.**

(1) **Temporary uses on private residential property.** Restrictions on temporary uses shall not apply to any use which is conducted entirely on private residential property, excluding estate sales but including garage sales, operated by the person, company, or organization owning the property, provided that the duration of the temporary use does not exceed two days and is repeated not more than four times a year.

(2) **Recurring and extended temporary uses.** Recurring temporary uses and structures, where the same temporary use or structure is established on the property on an annual basis or other regular period basis, shall be reviewed and authorized as a conditional use pursuant to Article IV.

(3) **Location of temporary uses on the lot.** All temporary uses shall be conducted behind the building setback line except as otherwise permitted by the city council.

(4) **Certificate of occupancy required for human occupancy.** Any tent, trailer, or structure pursuant to this Code and intended or used for human occupancy shall require review by the office of building and zoning.

(c) **Temporary uses subject to administrative approval.** The following temporary uses and structures are permitted in any zoning district if they meet the requirements of this Code as determined by the community development coordinator. Administrative temporary uses or structures shall
continue for a period of time no longer than one year and may be further limited by the community development coordinator.

(1) Construction trailers, equipment storage sheds and portable lavatories provided that:

   a. The trailer, shed or portable lavatory is incidental to construction;
   
   b. The trailer, shed or portable lavatory is located on the same lot as the construction or on an abutting lot;
   
   c. The trailer, shed or portable lavatory shall remain on the property no longer than the time of construction; and
   
   d. The trailer, shed or portable lavatory will be located no closer than 20 feet from any public street or any other property located in a residential district.
   
   e. Any sign located on the trailer shall be considered the construction sign permitted pursuant to Article VII, Division 3, Signs.

(2) Tents, provided that:

   a. All tents shall be constructed of flame retardant material and erected securely. A certificate verifying that the tent material is flame retardant shall be clearly displayed on the tent. Guy wires, stakes, or other supports shall be clearly marked and secured.
   
   b. Tents shall require a setback of at least five feet from side and rear property lines.
   
   c. Lighting or other electrical equipment shall be installed in accordance with the city's electrical code.
   
   d. Tents shall be erected for no longer than seven days in residential districts and 30 days in commercial and industrial districts, except as otherwise provided by the community development coordinator.

(3) Art, craft and book and sidewalk sales and similar uses as determined by the community development coordinator.

   a. No more than three may be held in a 12-month period and each may not be longer than two days in length.

(d) Temporary uses subject to discretionary approval (approval by
The city planning commission and city council). The following temporary uses, and any other temporary uses not specified in subsection (c), above, are permitted only upon approval by the city planning commission and city council pursuant to a conditional use permit and based upon the standards set forth below. Discretionary temporary uses shall be limited in time at the discretion of the city planning commission and the city council.

(1) Vendors' carts and stalls operating more than ten days per year are subject to approval by the planning commission and city council, provided that:
   a. The cart or stall is accessory to a use in a commercial district;
   b. The cart or stall will be located between the principal building and a public right-of-way;
   c. The cart or stall will not block a driveway or other point of emergency vehicular access to any property;

(2) Produce and farmer's markets.

(3) Sidewalk cafes, when accessory to restaurants which operate entirely within enclosed buildings.

(4) Garage sales; occurring more than three times per year, and further subject to the requirements of subsection (c), above.

(5) Prefabricated trailers used for offices, schools or similar uses. Use of a trailer for retail purposes is specifically prohibited.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 2765, § 5, 7-7-98)

Sec. 17-908. Home occupations.

All home occupations shall comply with each of the following standards and requirements:

(1) The operator of every home occupation shall reside in the dwelling unit in which the business operates.

(2) The use shall be conducted entirely within the principal residential or accessory structures.

(3) The home occupation shall not interfere with the delivery of utilities or other services to the area.

(4) The activity shall not generate any noise, vibrations, smoke, dust, odors, heat, glare, or interference with radio or television reception in the area that would exceed that normally produced by a dwelling unit used solely for residential purposes.
(5) No toxic, explosive, flammable, radioactive, or other hazardous materials shall be used, sold, or stored on the site. However, such materials common to ordinary household use are permitted, provided the quantity of such materials does not exceed that found in ordinary household use.

(6) There shall be no alteration of the residential appearance of the premises.

(7) No more than one motor vehicle shall be used in connection with a home occupation.

(8) The home occupation vehicle must be of a type ordinarily used for conventional private passenger transportation, i.e., passenger automobile, or vans and pickup trucks not exceeding a payload capacity of one ton. Further, the home occupation vehicle shall not require more than a passenger class driver's license nor be a vehicle designed for carrying more than 12 persons. Vehicles designed or used for living quarters shall not be used in conjunction with a home occupation.

(9) No visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 9:00 p.m. and 6:00 a.m.

(10) No outdoor display or storage of materials, goods, supplies, or equipment shall be allowed.

(11) There shall be no advertising, signs, display, or other indications of a home occupation in the yard, on the exterior of the dwelling unit or visible from anywhere outside of the dwelling unit.

(12) Direct sales and/or rentals of products are not permitted. Mail or phone sales is a permitted home occupation.

(13) The total interior floor area used for the home occupation shall not exceed 15 percent of the total interior floor area of the dwelling, provided that in no case shall the area of a home occupation exceed 600 square feet.

(14) No person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit.

(15) Deliveries shall not restrict traffic circulation and may occur only between 9:00 a.m. and 5:00 p.m. Monday through Friday.

(16) The home occupation shall not cause a significant increase in the amount of traffic or parking on any residential street.

(17) More than one home occupation may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to home occupations are complied with. Such criteria shall be applied cumulatively to both uses as opposed to singularly to each use. (For
example, all home occupations within the same dwelling unit may cumulatively use no more than 15 percent or 600 square feet of the dwelling unit.)

(Ord. No. 2750, § 2, 11-17-97)

Sec. 17-909. Antennae.

(a) Purposes. This section is intended to comply with the policies and guidelines established by the Federal Communications Commission. Additionally, the restrictions and standards herein are intended to assure that all antennae installations are adequately constructed and located so as to minimize potential negative safety and aesthetic effects associated with such installations.

(b) Types of antennae permitted.

(1) Private, non-commercial antennae. One private non-commercial antenna shall be permitted for each single- or two-family dwelling unit, multiple-family building, or commercial use located on a lot. Antennae shall only be permitted for principal uses.

(2) Commercial and public transmission antennae. Commercial and public signal transmitters are permitted in accordance with Chapter 17, Appendix A (Use Matrix).

(3) Amateur transmission and receiving antennae. Antennae for the purpose of receiving RF signals and for amateur or "ham radio" transmitting are permitted in all districts subject to the other requirements herein.

(c) Standards for antennae anchored to principal structure. The following regulations shall apply to all antennae which are affixed to the principal building which they serve.

(1) Location. Each antenna shall be located on that portion of a hip, gable, or gambrel roof which does not face a public street and shall be mounted behind the highest roof peak on the main structure. On flat roofs an antenna shall be located in a way so as to minimize its visibility from other properties.

(2) Size. The maximum length or diameter of any antenna, exclusive of structural supports, shall not exceed ten feet.

(3) Height. No antennae shall exceed 40 feet in height above average grade, or ten feet above a roof line, whichever is taller.

(4) Wind surface area. An antenna which exceeds the height of the highest roof peak shall have a wind surface area not to exceed eight square feet. All other antennae shall have a wind surface area not exceeding 23 square feet.
(d) Standards for freestanding antennae. The following regulations shall apply to all freestanding antennae, which are those antennae mounted in the ground, with or without guy wires, or are attached to any ancillary structure for additional support.

(1) Location. Freestanding antennae shall be constructed only in the rear yard between the side yard setbacks and no closer than ten feet to any property line.

(2) Size.

a. Freestanding antennae which are transmitting and receiving antennae shall not be higher than ten feet above the roof line of the main structure, and such antennae, exclusive of supportive structure, shall not exceed a wind surface area of eight square feet.

b. Freestanding antennae which are receiving only, exclusive of supportive structure, shall not exceed a height of ten feet, nor ten square feet, nor a wind surface area of 28 square feet.

(3) Height.

a. No commercial and public transmission antennae shall exceed 150 feet in height above average grade.

b. No private, non-commercial antennae or amateur transmission and receiving antennae shall exceed 40 feet in height above average grade, or ten feet above a roof line, whichever is taller.

(e) Aesthetic and screening requirements.

(1) All freestanding antennae shall be substantially screened by evergreen trees or shrubbery of at least six feet in height. Such screening may be open on one side to facilitate reception.

(2) No lettering, numerals, symbols, pictorial signs, or designs shall appear on any antenna. Antennae shall be of a color compatible with the surrounding landscape and structures, except that antennae above the roof line may be of the natural color of the antennae structure.

(3) All installations shall exhibit architectural quality; coloration to blend with surroundings, and structural integrity. Experimental or temporary installations, inferior materials, and questionable stability are not permitted. In every case, the entire installation, including evergreen plantings, shall be compatible with the character of the surrounding area of the city and shall have no adverse
impact on the property, the neighborhood, or general public. Permanent foundations shall be adequate for anticipated wind loads. Electrical connections shall be Underwriter's Laboratory approved, in which case alternating current will be allowed to code requirements. Consideration shall be given to protection of children as in the case of an attractive nuisance.

(f) **Structural requirements.** The following structural requirements shall be applied to all antenna installations.

(1) If guy wires are used, they shall be sufficiently visible to prevent accident or injury to any person.

(2) Every antennae shall be constructed in accordance with the Building Code of the City of Macomb, including the electrical provisions thereof, and shall also comply with specifications of the manufacturer.

(3) Every antenna shall be electrically bonded to an eight-foot electrical ground rod substantially all of which shall be embedded into the earth in a vertical attitude.

(4) Any electrical motor connected to an antenna shall be encased in protective guards and shall operate at a voltage no greater than 120 volts.

(5) Every freestanding antenna shall be mounted on either a concrete base in line with the grade or caissons, depending upon the soil conditions, as approved by the building inspector.

(6) All supporting structures shall be made of aluminum, galvanized metal, or the equivalent.

(7) Every antenna shall be constructed and installed so as to survive a wind of 100 miles per hour, as established by a recognized testing association.

(8) All construction shall be in conformance with good engineering practices and procedures to the approval of the building inspector.

(g) Variances permitted for line of sight and technical problems. The board of zoning appeals may grant a variance, subject to article IV, division 6, for an antenna which does not comply with this Code, provided that the applicant has proven that such antenna will be entirely inoperable for any useful purpose for reasons of "line of sight" or other technical reasons, or for reasons set forth by the Federal Communications Commission.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 05-08, §§ 3—6, 3-7-05)

Sec. 17-910. Manufactured housing standards.
(a) Each individual manufactured home site shall be provided with approved frost-protected connections to the municipal water and sewerage facilities if the site is within the city, or if such facilities are immediately adjacent to the site.

(b) No manufactured homes without sanitary facilities shall be permitted.

(c) Each manufactured home shall be provided with factory-applied painted metal or vinyl skirting from the bottom of the exterior wall to ground level. Such skirting shall contain a 24-inch, easily removable sliding or hinge type door located next to the sewer riser.

(d) Each individual manufactured home site shall be provided with electrical outlets and ground connections;

(e) Manufactured homes shall be sufficiently anchored to resist flotation, collapse or lateral movement. All manufactured homes shall be anchored in a manner approved by the building inspector and in conformance with 210 ILCS Act 120, Illinois Mobile Home Tie Down Act.

(f) Manufactured homes allowed as a special use shall also comply with the following standards:

1. **Foundation.** All manufactured homes shall be attached to a permanent perimeter foundation extending below the frost line and leaving no uncovered open areas excepting vents and crawl space accesses. Pier foundations systems supporting the structure shall also extend below the frost line.

2. **Roof pitch.** All manufactured homes shall have a pitched roof, with a slope that rises vertically not less than three inches for each 12 inches of a horizontal run.

3. **Building orientation.** All manufactured homes shall be oriented so that the main entrance door faces the street.

4. **Age of manufactured home.** All manufactured homes installed as a special use shall not exceed ten years of age.

(Ord. No. 2750, § 2, 11-17-97; Ord. No. 06-34, § 2, 8-21-06)

ARTICLE VIII. HISTORIC PRESERVATION

Sec. 17-911. Purpose.

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Sec. 17-933. Natural destruction or demolition.
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Sec. 17-911. Purpose.

The purpose of this article is to promote the protection, enhancement, perpetuation, and use of improvements of special character or historical interest or value in the interest of the health, prosperity, safety, and welfare of the people of the City of Macomb by:

(1) Providing a mechanism to identify and preserve the historic and architectural characteristics of Macomb which represents elements of the city's cultural, social, economic, political and architectural history;

(2) To promote civic pride in the beauty and noble accomplishments of the past as represented in Macomb's landmarks and historic districts;

(3) Stabilizing and improving the economic vitality and value of Macomb's landmarks and historic areas;

(4) Protecting and enhancing the attractiveness of the city to buyers, visitors and shoppers and thereby supporting business, commerce,
industry, and providing economic benefit to the city;

(5) Fostering and encouraging preservation, restoration of structures, areas, and neighborhoods and thereby preventing future urban blight.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-912. Definitions.

Unless specifically defined below, words or phrases in this article shall be interpreted giving them the same meaning as they have in common usage and so as to give this article its most reasonable application.

Alteration. Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to the erection, construction, remodeling, reconstruction, or removal of any structure.

Area. A specifically defined geographic division of the City of Macomb.

Addition. Any act or process which changes one or more of the "exterior architectural features" of a structure designated for preservation by adding to, joining with or increasing the size or capacity of the structure.

Building. Any structure created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the ground.

Certificate of appropriateness. A certificate from the Macomb Historic Preservation Commission authorizing plans for alterations, construction, remodeling, removal or demolition of a landmark or site within a designated historic district.


Commissioners. Voting members of the Macomb Historic Preservation Commission.

Construction. The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Council. The City Council of the City of Macomb.

Demolition. Any act or process that destroys in part or in whole a landmark or site within a historic district.

Design guideline. A standard of appropriated activity that will preserve the historic and architectural character of a structure or area.

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

Historic district. An area designated as a "historic district" by ordinance of the city council and which may contain within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while
not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

**Landmark.** Any building, structure or site which has been designated as a "landmark" by ordinance of the city council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because it its historic and/or architectural significance to the City of Macomb.

**Owner of record.** The person, corporation, or other legal entity listed as owner on the records of the county recorder of deeds.

**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 or that is not construction relocation or alteration.

**Structure.** Anything constructed or erected, the use of which requires permanent location on or in the ground, including, but not limited to, decks, fences, gazebos, advertising signs, bill boards, and any commercial or residential accessory buildings.

**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.

(Ord. No. 08-43, § 2, 9-2-08)

**Sec. 17-913. Composition of historic preservation commission.**

The Macomb Historic Preservation Commission shall consist of seven voting members, residents of the City of Macomb, appointed by the mayor and approved by the city council.

(Ord. No. 08-43, § 2, 9-2-08)

**Sec. 17-914. Qualifications.**

The members shall be appointed on the basis of expertise, experience or interest in the area of local heritage and history, building construction, finance, rehabilitation and reuse of historical and architectural structures, small business or real estate.

(Ord. No. 08-43, § 2, 9-2-08)

**Sec. 17-915. Terms.**

Members of the commission shall be appointed for terms of three years. Of those members first taking office, two shall be appointed for one year, three for two years, and two for three years. Alternate members shall be appointed to serve in the absence of or
disqualification of the regular members. Vacancies shall be filled for the unexpired term only. Members shall serve without compensation.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-916. Officers.

(a) Officers shall consist of a chairman, vice-chairman, and a secretary elected by the preservation commission who shall serve a term of one year and shall be eligible for re-election.

(b) The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present.

(c) The secretary to the preservation commission shall have the following duties:

(1) Take minutes of each preservation commission meeting;

(2) Be responsible for publication and distribution of copies of the minutes, reports, and decisions of the preservation commission to the members of the preservation commission;

(3) Give notice as provided herein or by law for all public hearings conducted by the preservation commission;

(4) Advise the mayor of vacancies on the preservation commission and expiring terms of members; and

(5) Prepare and submit to the city council a complete record of the proceedings before the preservation commission on any matter requiring council consideration.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-917. Meetings.

(a) A quorum shall consist of a simple majority of the members.

(b) All decisions or actions of the historic preservation commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

(c) Meetings shall be held at regularly scheduled times to be established by resolution of the commission at the beginning of each calendar year or at any time upon the call of the chairman. There shall be a minimum of four meetings per year.

(d) No member of the historic preservation commission shall
vote on any matter that may materially or apparently affect the property, income or business interest of that member.

(e) No action shall be taken by the commission that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the preservation commission, as provided herein.

(f) The chairman, and in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(g) All meetings of the preservation commission shall be open to the public.

(h) The preservation commission keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records if its examinations and other official actions, all of which shall be immediately filed in the office of building and zoning and shall be a public record.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-918. Powers and duties.

(a) To conduct an ongoing survey to identify historically and architecturally significant properties, structures and areas.

(b) To investigate and recommend to the city council the adoption of ordinances designating properties or structures having special historic, community, or architectural value as "landmarks".

(c) To investigate and recommend to the city council the adoption of ordinances designating geographic areas having special historic, community or architectural value as "historic districts".

(d) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation.

(e) To determine an appropriate system of markers and make recommendations for the design and implementation of specific markings of landmarks or historic districts.

(f) To advise owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the state or National Register of Historic Places.

(g) To inform and educate the citizens of Macomb concerning the historic and architectural heritage of the city by publishing appropriate maps, articles, and/or pamphlets, and by holding programs and seminars.
To hold public hearings and to review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures or historic districts and issue or deny certificates of appropriateness for such actions. Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;

To develop specific guidelines for the alteration, rehabilitation, construction, or remodeling of landmarks or property and structures within historic districts.

To call upon available city staff members as well as other experts for technical advise.

To testify before all boards and commissions, including the city planning commission and the zoning board of appeals, on any matter affecting historically and architecturally significant property and landmarks.

Sec. 17-919. Surveys and research.

The historic preservation commission shall undertake an ongoing survey and research effort in the City of Macomb to identify neighborhoods, areas, sites, structures, and objects that have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the historic preservation commission shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The historic preservation commission shall identify potential landmarks and adopt procedures to nominate them in groups based upon the following criteria:

1. The potential landmarks in one identifiable neighborhood or district geographical area of the City of Macomb;

2. The potential landmarks associated with a particular person, event, or historical period;

3. The potential landmarks of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;

4. Such other criteria as may be adopted by the preservation commission to assure systematic survey and nomination of all potential landmarks within the City of Macomb.

Sec. 17-920. Criteria for the submission of application for landmark designation.

Any person, group of persons or association, may apply to the Macomb Historic Preservation Commission for the designation of a landmark or a historic district. Nominations may be submitted to the Historic...
Preservation Commission on a form provided by the City of Macomb Office of Building and Zoning.

(b) A filing fee may be required.

(c) The commission shall, upon investigation as it deems necessary, make a preliminary determination as to whether a property, structure, or area possesses the local integrity of design, workmanship, materials, location, setting and feeling and meets one or more of the following criteria:

1. Significant value as part of the historic, heritage or cultural characteristics of the community, county, state or nation.

2. Its identification with a person or persons who significantly contributed to the development of the community, county, state or county.

3. Representative of the distinguishing characteristics of architecture inherently valuable for the study of a specific time period, type, method of construction or use of indigenous materials.

4. Notable work of a master builder, designer, architect or artist whose individual work has influenced the development of the community, county, state or country.

6. Its unique location or singular physical characteristics that make it an established or familiar visual feature.

7. Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance.

8. Area that has yielded or may be likely to yield, information important in history or prehistory.

(d) Applications for a nomination shall be filed at the office of building and zoning. Persons wishing guidance or advice prior to completing an application may contact the community development coordinator at a minimum; the application shall include the following:

1. For a landmark:
   a. The name and address of the property owner.
   b. The legal description and common street address of the property.
   c. A written statement describing the property and setting forth reasons in support of the proposed designation.
Sec. 17-921. Landmark designation procedures.

(a) The commission shall schedule a public hearing within 30 days after the filing of an application to the office of building and zoning.

(b) Notice of date, time, place and purpose of a public hearing on a landmark or district application shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than ten nor more than 20 days prior to the date of the hearing. A public hearing notice also shall be published in a newspaper having general circulation in the City of Macomb. The notice shall state the location of the property and a statement summarizing how the proposed landmark meets the criteria set forth in subsection (d) under criteria for landmark designation.

(c) During the public hearing, the commission shall review and evaluate the application according to the criteria established by ordinance.

(d) If the historic preservation commission finds that the application merits consideration, then the commission may act on the request at its next scheduled meeting but, in any case, in no later than 30 days following the hearing. The meeting at which action is taken may be held immediately following the public hearing.

(e) Following the public hearing, the secretary of the
commission shall prepare the commission's evaluation, recommendation and all
available information for submission to the city council within ten days.

(f) If the commission decides that the landmark should be
designated, it shall do so by a resolution passed by a majority of the
commission.

(g) The owner(s) of record shall be notified promptly by a
letter containing information of the commission's decision.

(h) A simple majority vote by the city council is necessary
for approval of a landmark designation. If the city council approves
the application for a designation, a notice will be sent to the property owner, the
office of building and zoning, the city clerk's office, and recorded with the county
recorder of deeds. If the city council denies the petition, no petitioner or
applicant can file another petition for a period of one year following denial.

(i) Buildings designated as historic landmarks shall be
subject to issuance of certificates of appropriateness.

(Ord. No. 08-43, § 2, 9-2-08)


(a) Nominations shall be made to the historic preservation
commission on a form provided by the commission. A filing fee may be required.
The following criteria shall be utilized by the Macomb Historic Commission in
determining the designation of historic districts:

(1) The historic districts contains one or more
landmarks along with such other buildings, places or areas within its
definable geographic boundaries which, while not of such historic
significance to be designated as landmarks, nevertheless contribute to
the overall visual characteristics of the landmark or landmarks located in
such district;

(2) A significant number of structures meeting any
of the standards of subsection (b) under landmark designation criteria;

(3) Establishing a sense of time and place unique
to the City of Macomb, and/or;

(4) Exemplifying or reflecting the cultural, social,
economic, political or architectural history of the nation, the state, or the
community.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-923. Historic district designation procedures.

(a) The following procedure shall be used for the preliminary
determination regarding the designation of historic districts:
(1) Any person, group of persons, or association, including but not limited to the Macomb Historic Commission, may present to the commission a petition requesting that a defined geographic area be designated as an historic district. The office of building and zoning shall supply, upon request, the application forms. Completed forms shall be submitted to the office of building and zoning which shall forward them to the commission for their consideration;

(2) The petition shall contain the names of no less than 51 percent of the property owners. Or, if lease holders, with a five-year or longer leasehold interest, are signatories to the petition then the petition shall contain no less than 51 percent of the property owners and/or leaseholders;

(3) Notice of date, time, place and purpose of the public hearing shall be sent by mail to owner(s) of record and to the nominator(s) as well as to the adjoining property owners, not less than ten nor more than two days prior to the date of the hearing. A public notice also shall be published in a newspaper having general circulation in the City of Macomb. The notice shall state the location of the properties and a statement summarizing how the proposed area meets the criteria set forth in subsection (b) under criteria for historic designation;

(4) Upon receipt of the application, the secretary of the commission shall schedule a public hearing to be held within 30 days from receipt.

(5) During the public hearing the commission shall review and evaluate the application according to the criteria established by ordinance;

(6) Within not more than 30 days following the public hearing, the commission shall at a regularly scheduled or special meeting, make a final decision on designation and prepare the commission's evaluation, recommendation, and all available information for submission to the city council. This meeting may occur immediately following the public hearing.

(7) If the commission decides that the proposed historic district should be designated, it shall do so by a resolution passed by a majority of the commission.

(8) The owners of record shall be notified promptly by a letter containing information of the commission's decision.

(9) A simple majority vote by the city council is necessary for approval of a historic preservation designation. If the city council approves, the application for a designation, a notice will be sent to the property owners, the office of building and zoning, the building inspector, the city clerk's office and recorded with the county recorder of
deeds that the area has been designated as such and that buildings located within the boundaries of the historic district shall be subject to issuance of certificate of appropriateness. If the city council denies the petition, no petitioner can refile another petition for a minimum of one year.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-924. Certificate of appropriateness.

(a) A certificate of appropriateness (COA) issued by the commission shall be required before a building permit, moving permit, or demolition permit is issued for any designated historic landmark or any building, structure, or site or part thereof in the historic district. A COA is required if the building, structure or site will be altered, extended, or repaired in such a manner as to produce a major change in the exterior appearance of such building or structure. Such major changes include, but are not limited to:

(1) Major changes by addition, alteration, maintenance, reconstruction, rehabilitation, renovation or repair;

(2) Most new construction and demolition in whole or in part requiring a permit from the City of Macomb;

(3) Moving a building;

(4) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature as specified in the ordinance designating the landmark or historic district.

(b) An exception to the COA shall be made if the applicant shows to the commission that a failure to grant the permit will cause an imminent threat to life, health, or property.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-925. Application for certificate of appropriateness.

(a) Every application for a demolition permit or applicable building permit, including plans and specifications, shall be forwarded by the office of building and zoning to the historic preservation commission within 15 days following receipt of the application by the office of building and zoning. The application for issuance of a COA must include:

(1) Street address of the property involved.

(2) Legal description of the property involved.

(3) Brief description of the present improvements situated on the property.

(4) A detailed description of the construction, alteration, demolition, or use proposed together with any architectural
drawings or sketches if those services have been utilized by the applicant and if not, a sufficient description of the construction, alteration, demolition, and use to enable anyone to determine what final appearance and use of the real estate will be.

(5) Owner's name.

(6) Developer's name, if different than owner.

(7) Architect's name, (if any).

(8) Payment of the filing fee.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-926. Standards for certificates of appropriateness.

(a) In making a determination whether to approve or deny an application for a COA, the Macomb Historic Preservation Commission shall be guided by the Secretary of the Interior's "Standards for Rehabilitation", as follows:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided or at least minimized.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall, as closely as possible, match the old in design, color, texture, materials and other visual qualities. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence whenever it is available.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.
The surface cleaning of the structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-927. Design guidelines.

(a) Design guidelines for applying the criteria for review of certificates of appropriateness shall at a minimum, consider the following architectural criteria:

(1) Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

(2) Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark.

(3) Relationship of building masses and spaces. The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.

(4) Roof shape. The design of the roof, fascia, and cornice should be compatible with the architectural style and character of the landmark.

(5) Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmark.

(6) Scale. The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

(7) Directional expression. Facades in historic districts should blend with other structures with regard to directional...
expression. Structures in a historic district should be compatible with the
dominant horizontal or vertical expression of surrounding structures.

(8) The direction expression of a landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.

(9) Architectural details. Architectural details including types of materials, colors, and textures should be treated so as to make landmark compatible with its original architectural style and character of a landmark or historic district.

(10) New structures in a historic district shall be compatible with the architectural styles and design in said districts.

(11) (i) Any new or replacement canopies or awnings shall be of an all-weather cloth or canvas material and shall be of a subtle, pastel or earth-tone color; or

(ii) Any new or replacement canopies or awnings may be metal and shall be of a subtle, pastel or earth-tone color and are to be approved on a case by case basis as the applicants submit a COA application.

(Ord. No. 08-43, § 2, 9-2-08; Ord. No. 17-25, § 2, 10-16-17)

Sec. 17-928. Hearing on COA applications.

(a) Applications for a certificate of appropriateness are available from the office of building and zoning. Such applications shall be completed and submitted to the office of building and zoning which shall be forwarded to the Macomb Historic Preservation Commission.

(b) The commission shall schedule a public meeting for consideration of the application within 15 days of receipt of application and hold such hearing within 30 days of such receipt. A public notice for consideration of the application shall be made not less than ten days nor more than 20 days before hearing, in a newspaper of general circulation published in the City of Macomb.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-929. Issuance of a certificate of appropriateness.

(a) The Macomb Historic Preservation Commission shall notify the applicants of their decision within five days after the public meeting. Upon approval of the application, the commission shall direct the office of building and zoning to issue signed COA to the applicant with copies forwarded to the building inspector.

(b) A COA shall be invalid if substantial changes in the plans reviewed by the commission are necessary in obtaining a building permit or if the building permit issued for the same work becomes invalid. The
certificate of appropriateness remains valid for the same period of validity as the building permit (six months).

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-930. Denial of a certificate of appropriateness.

(a) In the event of denial of an application for a COA, the commission shall notify the applicant in writing of the disapproval and the reasons therefore and shall recommend changes, if any, in the proposed action that would cause the commission to reconsider its denial.

(b) Within 15 days of receipt of the notification of disapproval, the applicant may resubmit an amended application for a COA that takes into consideration the recommendations of the historic preservation commission.

(c) The application shall be considered to be withdrawn if no written modification within the 15-day period as noted above is received. Within 30 days of receipt of a written modified COA, the commission must either issue the COA or reaffirm the denial.

(d) The process for the resubmission of a modified COA is as follows:

1. The Macomb Historic Preservation Commission shall select a reasonable time and place for consideration of the appeal and give due notice thereof to the applicant by mailing notice of the hearing. Said mailing is to be made at least ten days prior to the date of the hearing.

2. The chairperson shall conduct the meeting and the Macomb Historic Preservation Commission and the applicant shall have the right to introduce evidence and cross examine witnesses. A recorded or written transcript of the hearing shall be made and kept.

3. The commission shall vote, announce its decision, make its recommendation, and notify the office of building and zoning and the applicant either at or within five days after the conclusion of the meeting, unless the time is extended by mutual agreement between the commission and the applicant.

4. In the event of a denial of appeal by the Macomb Preservation Commission, the applicant may appeal the decision of the city council, whose decision in this matter shall be final subject only to judicial review as provided by law.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-931. Certificate of economic hardship.

(a) Notwithstanding any of the provisions of the ordinance
to the contrary, the commission may issue a certificate of economic hardship to allow the performance of work for which a certificate of appropriateness has been denied.

(b) Applicants claiming economic hardship shall be required to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial aid shall be considered by the commission in making its decision.

(c) An applicant for a certificate of economic hardship may submit any or all of the following information in order to assist the commission in making its determination on the application:

(1) The amount paid for the property, the date of purchase and the party from whom purchased.

(2) The total estimated amount of investment in the subject project.

(3) The estimated amount of increased cost attributable to the owner/developer to be in compliance with the standards as established by the commission.

(4) The assessed value of the land and improvements thereon according to the two most recent assessments.

(5) Real estate taxes for the previous two years.

(6) Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two years.

(7) Any listing of the property for sale or rent, price asked and offers received, if any.

(8) If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and annual cash flow before and after debt service, if any during the same period.

(9) Any other information reasonably necessary for a determination as to whether the property can be reasonably used or yield a reasonable return to present or future owners.

(10) If the commission shall make a decision within 20 days of submittal of the request. If the commission finds that without approval of the proposed work, the property owner cannot obtain a reasonable economic return therefrom, the commission shall make recommendations to the city council to allow for a reasonably beneficial use or a reasonable economic return of the subject property through a relaxation of the provisions of the ordinance.

(d) If the city council finds that without approval of the proposed work, the property cannot be put to a reasonable beneficial use or the
owner cannot obtain a reasonable economic return therefrom, then the council shall issue a certificate of economic hardship approving the proposed work with reduced or waived regulations. If the council finds otherwise, it shall deny the application for a certificate of economic hardship. A council decision shall be rendered within 20 days of receipt of a recommendation from the historic preservation commission.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-932. Appeals.

When a certificate of appropriateness or economic hardship is denied for either a landmark or a structure within a historic district, the applicant or any interested party may, within 30 days, appeal the commission's decision to the city council. The council may receive comments on the contents of the record but no new matter may be considered by the council. The city council may affirm or reverse the decision or recommend changes by a majority vote of the council after due consideration of the facts contained in the record submitted to the council by the commission. The council may overturn the commission's decision by a majority vote of a quorum of the council. Council action shall be taken within 20 days of receipt of the appeal.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-933. Natural destruction or demolition.

(a) In the case of partial or complete natural destruction or demolition of a site within a historic preservation district or of a landmark, the owner will be required to obtain a certificate of appropriateness from the commission prior to reconstruction. Although exact duplication of the previous structure may not be required, the exterior design of the property shall be in harmony with:

(1) The exterior design of the structure prior to damage, and

(2) The character of the historic preservation district.

(Ord. No. 08-43, § 2, 9-2-08)

Sec. 17-934. Fees and penalties.

The preservation commission may establish an appropriate system of processing fees for the review of nominations and COAs. Any person who undertakes or causes an alteration, construction, demolition, or removal of any nominated or designated landmark or property within a nominated or designated landmark or designated historic district without a COA shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $50.00 nor more than $500.00. Every day such violation shall continue to exist shall constitute a separate violation.

(Ord. No. 08-43, § 2, 9-2-08)
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<td>Off-Site Organization</td>
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<tr>
<td>Off-Site Accessory Structures</td>
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<tr>
<td>Off-Site Parks and Playgrounds</td>
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<td>P*</td>
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<td>Parking Lots</td>
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<td>Parking Structures</td>
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<tr>
<td>Places of Public Assembly</td>
<td></td>
<td>S</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Railroads - Not</td>
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<tr>
<td>Freight Yards</td>
<td>Telecommunications</td>
<td>Uses, Businesses - Not Generally Permitted</td>
<td>Uses, Commercial -</td>
<td></td>
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<td>Exceeding two acres</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Uses Permitted in any Residential District</td>
<td>S</td>
<td>S</td>
<td>S*</td>
<td>S*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses, Permitted in any Business District</td>
<td></td>
<td></td>
<td>P*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S</td>
<td>S*</td>
<td>P</td>
<td>P*</td>
<td>AS*</td>
<td></td>
<td></td>
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<td>----------</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Legend:

- **S** - Special Use
- **S** - Special Use, see body of text for additional information
- **P** - Permitted Use
- **P** - Permitted Use - see body of text for additional information
- **AS** - Accessory Special Use, see body of text for information

(Ord. No. 05-08, § 2, 3-7-05; Ord. No. 06-34, § 2, 8-21-06; Ord. No. 07-10, § 2, 3-6-07; Ord. No. 07-43, § 8, 11-20-07; Ord. No. 08-33, § 4, 7-7-08; Ord. No. 09-36, § 10, 9-21-09; Ord. No. 10-27, § 2(Exh. A), 7-19-10; Ord. No. 11-02, § 2(Exh. A), 1-3-11; Ord. No. 11-27, § 3(Exh. A), 9-6-11; Ord. No. 12-28, § 2, 6-4-12; Ord. No. 13-33, § 2, 8-5-13; Ord. No. 14-03, §§ 2—4,
APPENDIX B. BULK MATRIX

<table>
<thead>
<tr>
<th>Floor/Area Ratio</th>
<th>AG</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-3A</th>
<th>R-4</th>
<th>MH</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.10</td>
<td>0.50</td>
<td>0.50</td>
<td>0.70</td>
<td>0.90</td>
<td>1.20</td>
<td>0.70</td>
<td></td>
</tr>
<tr>
<td>7,500</td>
<td>6,000</td>
<td>6,000</td>
<td>5,000</td>
<td>6,000</td>
<td>4,000</td>
<td>3,000</td>
<td>6,000</td>
</tr>
</tbody>
</table>
| w/p | pub | lic | water and sewer
sign | 1 br = 1,000
per unit | 2 br
<table>
<thead>
<tr>
<th>Identical uses, minimum is per dwelling unit</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>w/public water or public sewer</td>
<td>10,000</td>
<td>8,500</td>
<td>8,500</td>
<td>6,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>w/neither public water nor public sewer</td>
<td>15,000</td>
<td>12,000</td>
<td>12,000</td>
<td>8,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Wi w/public water</td>
<td>150 ft.</td>
<td>60 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

= 1,7000
3 br = 2,000

n/a
| dth and sewer w/p public water or public sewer | 80 ft. | 65 ft. | 65 ft. | 60 ft. | n/a |
| dth and sewer w/n either public water nor public sewer | 100 ft. | 80 ft. | 80 ft. | 75 ft. | n/a |

<p>| Maximum Building Height | 30 ft. |</p>
<table>
<thead>
<tr>
<th>Yards Side</th>
<th>15 ft. each</th>
<th>8 ft. ea. but not less than 20 ft. total</th>
<th>5 ft. ea. but not less than 12 ft. total</th>
<th>5 ft. ea. but not less than 12 ft. total</th>
<th>5 ft. ea. each but not less than 12 ft. total</th>
<th>5 ft. ea. each but not less than 12 ft. total</th>
<th>5 ft. ea. each but not less than 12 ft. total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear</td>
<td>30 ft.</td>
<td>25 ft. but not less than 25% lot depth</td>
<td>20 ft. but not less than 20% lot depth**</td>
<td>20 ft. but no less than 20% lot depth**</td>
<td>20 ft. but no less than 20% lot depth**</td>
<td>20 ft. but no less than 20% lot depth**</td>
<td>20 ft. but no less than 20% lot depth**</td>
</tr>
<tr>
<td>Livable Floor space</td>
<td>1,200 sq. ft.</td>
<td>1,200 sq. ft.</td>
<td>900 sq. ft.</td>
<td>900 sq. ft.</td>
<td>900 sq. ft.</td>
<td>850 sq. ft.</td>
<td>850 sq. ft.</td>
</tr>
</tbody>
</table>
* Please refer to text pertaining to applicable zone.

** 10 feet required in case of through lots.

*** Please refer to section 17-750.

<table>
<thead>
<tr>
<th>B-1</th>
<th>B-2***</th>
<th>B-3</th>
<th>M-1</th>
<th>M-2</th>
<th>RO</th>
<th>O/I</th>
<th>ASMU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Res. Us</td>
<td>Res. Us</td>
<td>Res. Us</td>
<td>Other Us</td>
<td>Other Us</td>
<td>Other Us</td>
<td>Other Us</td>
<td>Other Us</td>
</tr>
<tr>
<td>Other Uses</td>
<td>Other Uses</td>
<td>Other Uses</td>
<td>Other Uses</td>
<td>Other Uses</td>
<td>Other Uses</td>
<td>Other Uses</td>
<td>Other Uses</td>
</tr>
<tr>
<td>One-Family Detached Dwelling</td>
<td>Two-Family Dwelling</td>
<td>Multiple Family Dwelling</td>
<td>Other Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Floor/Area Ratio</th>
<th>1.00</th>
<th>3.00</th>
<th>3.00</th>
<th>2.00</th>
<th>5.00</th>
<th>0.10</th>
<th>2.00</th>
<th>1.20</th>
<th>2.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area (in case of residential uses, minimum is per w/public water and sewer)</td>
<td>Same as least restrictive district for that building type</td>
<td>20,000</td>
<td>Same as least restrictive district for that building type</td>
<td>20,000</td>
<td>Same as least restrictive district for that building type</td>
<td>20,000</td>
<td>Same as least restrictive district for that building type</td>
<td>40,000 sq. ft.</td>
<td>20,000</td>
</tr>
<tr>
<td>w/public</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>

* Please refer to text pertaining to applicable zone.

** 10 feet required in case of through lots.

*** Please refer to section 17-750.
<table>
<thead>
<tr>
<th></th>
<th>water or public sewer</th>
<th>w/n either public water nor public sewer</th>
<th>Minimu Lot Width w/p public water and sewer</th>
<th>Same as least restrictive district for that building type</th>
<th>Same as least restrictive district for that building type</th>
<th>Same as least restrictive district for that building type</th>
<th>Same as least restrictive district for that building type</th>
<th>Same as least restrictive district for that building type</th>
</tr>
</thead>
<tbody>
<tr>
<td>dwelling unit</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>150 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>60 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>60 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>60 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>60 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td></td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>120 ft.</td>
<td>60 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td>w/p public water or public sewer</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>w/n either public water nor public sewer</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Yard</td>
<td>Front</td>
<td>20 ft.*</td>
<td>20 ft.*</td>
<td>20 ft.*</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td></td>
<td>Sid</td>
<td>When</td>
<td>Sa</td>
<td>Wh</td>
<td>Sa</td>
<td>Wh</td>
<td>10</td>
<td>10</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side</td>
<td>When adjoining a residential district, shall match the side yard requirement of that district</td>
<td>Same as least restrictive district for that building type</td>
<td>Wh en adjoining a residential district, shall match the side yard requirement of that district</td>
<td>Subsequent ft. each</td>
<td>ft. min.</td>
<td>ft. when adjoining an R-1 or R-2 district</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
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<td>---------------------------------------------------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>20 ft.*</td>
<td>20 ft.*</td>
<td>20 ft.*</td>
<td>25 ft.</td>
<td>30 ft.</td>
<td>15 ft. min.</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>600 sq. ft.</td>
<td>n/a</td>
<td>600 sq. ft.</td>
<td>n/a</td>
<td>n/a</td>
<td>20 ft. when adjoining an R-1 or R-2 district</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Ord. No. 09-36, § 11, 9-21-09; Ord. No. 10-08, § 2(Exh. A), 3-15-10; Ord. No. 10-28, § 2(Exh. A), 7-19-10; Ord. No. 11-04, § 2, 1-3-11; Ord. No. 12-28, § 3, 6-4-12)

Chapter 18 POLICE AND PRISONERS [1](70)

ARTICLE I. IN GENERAL
Sec. 18-1. Copies.
Secs. 18-2—18-20. Reserved.

Sec. 18-1. Copies.

As of the effective date [January 1, 2004] of this section, the following fees shall be charged to those requesting the following services or documents from the City of Macomb:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copies—General</td>
<td>$3.00</td>
<td>Flat rate</td>
</tr>
<tr>
<td>Copies—Accident reports</td>
<td>5.00</td>
<td>Per report</td>
</tr>
</tbody>
</table>

(Ord. No. 2932, § 2, 11-3-03)

Editor's note—

Ordinance No. 2932, § 2, adopted November 3, 2003, did not specifically amend the Code, therefore § 18-1 was added at the discretion of the editor.

Secs. 18-2—18-20. Reserved.

ARTICLE II. POLICE DEPARTMENT [2](71)

Sec. 18-21. Created.
Sec. 18-22. Composition; appointment of members.
Sec. 18-23. Eligibility of nonresidents.
Sec. 18-24. General duties.
Sec. 18-25. Conduct of members.
Sec. 18-26. Duty of members to appear as witnesses.
Sec. 18-27. Appointment and removal of chief.
Sec. 18-28. Chief to be city marshal and superintendent of police.
Sec. 18-29. Duties of chief.
Sec. 18-30. Custody of lost, abandoned or stolen property.
Sec. 18-31. Service of process.
Sec. 18-32. Regulations governing department.
Sec. 18-33. Special police.
Sec. 18-34. Appointment and removal of deputy chief.
Secs. 18-35—18-50. Reserved.
Sec. 18-21. Created.

There is hereby created a police department, which shall be an executive department of the city.

(Code 1972, § 19-16)

Sec. 18-22. Composition; appointment of members.

The police department shall consist of the chief of police and such other members as may be provided for by the city council from time to time. The members of the department shall be appointed by the board of fire and police commissioners in the manner provided by statute.

(Code 1972, § 19-17)

Sec. 18-23. Eligibility of nonresidents.

Persons residing outside the city but within the state are eligible to take the examination for appointment to the police department.

(Code 1972, § 19-18)

Sec. 18-24. General duties.

It shall be the duty of the members of the police department to see to the enforcement of all ordinances of the city and all statutes effective in the city, and to preserve order and prevent infractions of the law and to arrest violators thereof. Every member of the police department is hereby declared to be a conservator of the peace.

(Code 1972, § 19-19)


Sec. 18-25. Conduct of members.

It shall be the duty of every member of the police department to conduct himself in a proper and law-abiding manner, and to avoid the use of unnecessary force.

(Code 1972, § 19-20)

Sec. 18-26. Duty of members to appear as witnesses.

Every member of the police department shall appear as a witness whenever this is necessary in a prosecution for a violation of a city ordinance or of a state or federal law. No member shall receive any witness fee for such service in any action or suit to which the city is a party; and all fees paid for such services shall be turned over to the city treasurer.
(Code 1972, § 19-21)

Sec. 18-27. Appointment and removal of chief.

(a) There is hereby created the office of chief of police.

(b) The chief of police shall be appointed by the mayor by and with the advice, consent and approval of the city council.

(c) His term of office shall be the same as that of the mayor, but he may be removed from office as provided by law.

(d) If a chief of police who has not been so removed is not reappointed to the office and he was a member of the police department at the time of his original appointment, he may resume his position in the department at the same rank he held at the time of his appointment.

(Code 1972, § 19-22)

Sec. 18-28. Chief to be city marshal and superintendent of police.

The chief of police shall be ex officio city marshal and superintendent of police.

(Code 1972, § 19-23)

Sec. 18-29. Duties of chief.

The chief of police shall keep such records and make such reports concerning the activities of his department as may be required by statute or ordinance. He shall be responsible for the performance of all the functions of the department, and all members of the department shall serve subject to his orders.

(Code 1972, § 19-24)

Sec. 18-30. Custody of lost, abandoned or stolen property.

The chief of police shall be the custodian of all lost, abandoned or stolen property in the city.

(Code 1972, § 19-25)

Sec. 18-31. Service of process.

The chief of police shall be authorized to serve writs, summons and other processes, but no other member of the department shall serve any such summons or process except on the order of the chief of police or of the mayor.

(Code 1972, § 19-26)

Sec. 18-32. Regulations governing department.
The chief of police may make or prescribe such rules and regulations for the
guidance of the members of the police department as he shall see fit. Such rules, when
approved by the mayor and city council, shall be binding on such members.

(Code 1972, § 19-27)

Sec. 18-33. Special police.

The city council may appoint any reputable person as a special police officer to
serve for such time and on such conditions as may be designated by the city council. Special
police officers shall have the powers and duties of a conservator of the peace. They shall
receive no compensation from the city unless such compensation is ordered by the city
council. No such person shall be considered to be a member of the police department by virtue
of his appointment as special police officer. Such appointments may be revoked at any time by
the mayor, the city council or the chief of police.

(Code 1972, § 19-28)

Sec. 18-34. Appointment and removal of deputy chief.

(a) There is hereby created the office of deputy chief of

police.

(b) The deputy chief shall be appointed by the chief of the

police.

(c) There shall be one deputy chief position.

(d) The deputy chief shall be an exempt rank immediately

below that of chief.

(e) The deputy chief may be appointed from any rank of

sworn, full-time officers of the city's police department, but must have five years
of full-time service with the city police department.

(f) A deputy chief shall serve at the discretion of the chief,

and if removed from the position, shall revert to the rank held immediately prior

to appointment to the deputy chief position.

(g) The rank of captain is hereby eliminated.

(Ord. No. 2833, § 1, 6-18-01)

Secs. 18-35—18-50. Reserved.

ARTICLE III. PRISONERS [3][72]

Sec. 18-51. Right to bail.

Sec. 18-51. Right to bail.
Any person arrested for the violation of any of the sections of this Code or any ordinance of the city shall have the right to be released from such arrest by the giving of bail as provided by law.

(Code 1972, § 19-41)

Chapter 19  SEWERS [1](73)

ARTICLE I. IN GENERAL

Sec. 19-1. Definitions.
Sec. 19-2. Sewer department.
Sec. 19-3. Connection outside the city.
Sec. 19-4. Reserved.

Sec. 19-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act or the act means the Federal Water Pollution Control Act, as amended (70 Sta. 502; 33 USC 466c) and section 22(a) of the act, as amended (75 Stat 204; 33 USC 466).

Administrator means the Administrator of the U. S. Environmental Protection Agency.

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sanitary sewer or other place of disposal, also called house connection.

Combined sewer means a sewer intended to receive both wastewater and storm water or surface water.

Compatible pollutant, for the purposes of established federal requirements for pretreatment pursuant to 40 CFD 128.133, means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria,
Control manhole means a structure built to furnish an access point to the sewage collection system where the city can monitor the effluent from a user.

Debt service charge means an increment of the sewer rate but not user charge used to repay bond indebtedness and other obligations.

Depreciation means the deterioration and lessening of the worth of the sewage treatment plant structure only.

Easement means an acquired legal right for the specific use of land owned by others.

Engineer means the engineer employed by the city.

Federal grant means a contractual obligation of the United States for payment of the federal share of the construction cost and affiliated costs for waste treatment plants.

Floatable oil means oil, fat or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Incompatible pollutant means any pollutant which is not a compatible pollutant as defined in 40 CFR 128.212.

Industrial user means any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1967, Bureau of the Budget, as amended and supplemented, under the category "Division D-Manufacturing."

Industrial wastes means the waste discharges, other than domestic sewage, of industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category "Division D-Manufacturing," and such other wastes as the sewer superintendent deems appropriate for purposes of this chapter.

Maintenance means obtaining, maintaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to a degree of efficiency, capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Major contributing industry means an industrial user that will contribute greater than ten percent of the design flow or design pollutant loading of the treatment works.

Natural outlet means any outlet, including storm sewers and combined sewer overflows, into a pond, ditch, lake or other body of surface water or groundwater.

NPDES or National Pollutant Discharge Elimination System means the system for issuing, conditioning and denying permits for discharge of pollutants from point sources into the navigable waters, the contiguous zone and oceans, by the administrator of the Environmental Protection Agency pursuant to sections 402 and 405 of the act.
*Operation* means treating wastewater or transporting wastewater in a manner which will significantly improve an objectionable water quality in compliance with all applicable statutory and regulatory requirements.

*pH* means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. Ordinance No. 2198 of the City of Macomb regarding Pretreatment has been published in pamphlet form and is hereby adopted by reference.

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer* means a common sewer controlled by a governmental agency or public utility.

*Replacement* means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

*Residential or commercial user* means any user not classified as an industrial user.

*Sanitary sewer* means a sewer or drain designed and constructed for carrying sewage.

*Sewage* means a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.

*Sewage treatment plant* means any arrangement of devices and structures used for treating sewage.

*Sewage works* means all facilities for collecting, pumping treating and disposing of sewage.

*Storm sewer* means a sewer or drain designed and constructed for carrying storm water, surface water and groundwater.

*Superintendent* means the superintendent of sewers of the city or his authorized deputy, agent or representative.

*Suspended solids* means total suspended matter that either floats on the surface of or is in suspension in water, sewage or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater," referred to as nonfilterable residue.

*Unpolluted water* means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards
and would not be benefited by discharge to the sanitary sewers and sewage treatment facilities provided.

*Useful life* means the estimated period during which a treatment works will be operated.

*User charge* means a charge levied on users of a treatment works for the cost of operation.

*Watercourse* means any natural or artificial channel for the passage of water, either continuously or intermittently.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Definitions and rules of construction generally, § 1-2.

Sec. 19-2. Sewer department.

There is hereby created the sewer department, which shall consist of the public works director and his designates.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Administration, ch. 2.

Sec. 19-3. Connection outside the city.

No sewer connection to the public sewer will be permitted outside the city limits without approval of the mayor and city council. Upon approval, plans and specifications shall be submitted as required in this chapter.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-4. Reserved.

*Editor's note—*

Ordinance No. 05-03, § 4, adopted February 7, 2005, repealed § 19-4 in its entirety. Formerly, such section pertained to fees and derived from Ord. No. 2932, § 2, 11-3-03. The users attention is directed to Ch. 24—City Fee Schedule.


**ARTICLE II. SUPERINTENDENT OF SEWERS** [2](74)

Sec. 19-21. Superintendent of sewers.

Sec. 19-22. Duties.

Secs. 19-23—19-40. Reserved.
Sec. 19-21. Superintendent of sewers.

The superintendent of sewers shall be a city employee and shall report to the director of public works.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-22. Duties.

The public works director or his designee shall have charge of the sewage disposal plant and its operation and maintenance and shall see that the plant is kept in proper working order. He shall have supervision of the sanitary sewer systems, except catchbasins, of the city and shall see to it that the systems are kept in good repair and that they function properly. He shall also have supervision of the making of all connections of pipes and drains, private and public, with the sanitary and of the city.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Secs. 19-23—19-40. Reserved.

ARTICLE III. INSpectORS [3](75)

Sec. 19-41. Powers generally.

Sec. 19-42. Obtaining information.

Sec. 19-43. Safety and indemnity.

Sec. 19-44. Right of entry.

Secs. 19-45—19-60. Reserved.

Sec. 19-41. Powers generally.

The public works director or his designee and other duly authorized employees of the city, and the state environmental protection agency and the U.S. Environmental Protection Agency bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to discharge to the community sewer system in accordance with the provisions of this chapter.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-42. Obtaining information.

The public works director or his designee is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the sewage collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in
question might result in an advantage to competitors.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-43. Safety and indemnity.

While performing the necessary work on private properties, the public works director or his designee the state environmental protection agency and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company, and the company shall be harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company maintain safe conditions.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-44. Right of entry.

The public works director or his designee bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer facilities lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with terms of the duly negotiated easement pertaining to the private property involved.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Secs. 19-45—19-60. Reserved.

ARTICLE IV. DISPOSAL OF WASTE GENERALLY

Sec. 19-61. Unlawful disposal of waste.

Sec. 19-62. Discharge of waste to natural outlet.

Sec. 19-63. Reserved.

Sec. 19-64. Installation of suitable sanitary facilities required.

Sec. 19-65. Grease traps.


Sec. 19-61. Unlawful disposal of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner any waste on public or private property within the city or construct or maintain any privy, privy vault, septic tank, cesspool intended for human or animal excrement,
Sec. 19-62. Discharge of waste to natural outlet.

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

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-64. Installation of suitable sanitary facilities required.

The owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line and at such elevation so as to permit a gravity flow without mechanical assistance.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-65. Grease traps.

All new or remodeled eating establishments shall have an easily accessible outside (unless otherwise approved) grease trap, sized and approved by the public works director or his designee and the plumbing inspector. All grease traps must be emptied as needed and disposal records kept.


ARTICLE V. PRIVATE SEWAGE DISPOSAL [4][76]

Sec. 19-81. Generally.

Sec. 19-82. Application for permit.

Sec. 19-83. Effective date of permit; inspection.

Sec. 19-84. State permit required for certain installations.

Sec. 19-85. Specifications.

Sec. 19-86. Sanitary operation and maintenance required.
Sec. 19-81. Generally.

Where a public sanitary sewer is not available under the provisions of section 19-64, the building sewer shall be connected to a private sewage disposal system complying with the provisions stated in this article.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-82. Application for permit.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. The application for such a permit shall be made on a form furnished by the City of Macomb Building and Zoning Office, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit and inspection fee, as designated in the city fee schedule, shall be paid to the city at the time the application for a permit required by this article is filed.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-83. Effective date of permit; inspection.

A permit for a private sewage system shall not become effective until the installation is completed to the satisfaction of the public works director or his designee. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the superintendent.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-84. State permit required for certain installations.

The owner of a private sewage system which serves more than three buildings or a population equivalent of 15 shall provide the public works director or his designee with a copy of the construction permit issued by the state environmental protection agency.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-85. Specifications.

The type, capacities, location and layout of a private sewage disposal system
shall comply with all recommendations of the department of public health of the state. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

**Sec. 19-86. Sanitary operation and maintenance required.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. Sludge removal shall be performed by licensed operators and sludge shall be disposed of in accordance with the rules and regulations of the Illinois Environmental Protection Agency.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

**Sec. 19-87. Porta-potties.**

When porta-potties are permitted under the provisions of this article they shall be kept in a sanitary condition and so cleaned that they shall not cause obnoxious odors to spread. It shall be unlawful to erect or maintain any porta-potty within less than two feet of the property line of the adjoining property owner without his consent or within less than two feet of any street or alley. It shall be unlawful for any person to erect or maintain any porta-potty nearer than 50 feet to any dwelling, shop or well.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

**Sec. 19-88. Connection with public sewer.**

At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 19-64, a direct connection shall be made to such sewer within 90 days in compliance with this article, and any septic tanks, cesspools and similar private sewage disposal systems shall be cleared of sludge and filled with suitable material.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

**Sec. 19-89. Additional requirements.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the county health department.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

**Secs. 19-90—19-100. Reserved.**

**ARTICLE VI. BUILDING SEWERS AND CONNECTIONS [5](77)**

Sec. 19-101. Reserved.
Sec. 19-102.   Connection permit required; inspection of building sewer.

Sec. 19-103.   Application for connection permit.

Sec. 19-104.   Connection permit and inspection fees—Generally.

Sec. 19-105.   Same—Special assessment connection fee.

Sec. 19-106.   Reserved.

Sec. 19-107.   Sewer to be plugged after connection made.

Sec. 19-108.   Responsibility for installation costs; indemnification of the city.

Sec. 19-109.   Separate sewer required for every building; exception.

Sec. 19-110.   Use of old sewers.

Sec. 19-111.   Sewer specifications generally.

Sec. 19-112.   Reserved.

Sec. 19-113.   Sewer depth.

Sec. 19-114.   Low drain.

Sec. 19-115.   Excavations.


Sec. 19-117.   Manner of connecting to public sewer.

Sec. 19-118.   Approval of connection for surface runoff.

Sec. 19-119.   Notification to public works director or his designee when sewer is ready for connection; supervision of connection.

Sec. 19-120.   Protection of work.

Sec. 19-121.   Disconnection where building moved or demolished.

Sec. 19-122.   Duty of owners to keep pipes and fixtures in good repair.

Secs. 19-123—19-140.   Reserved.

Sec. 19-101.   Reserved.

Sec. 19-102.   Connection permit required; inspection of building sewer.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the building and zoning office. The permit shall have a plumbing permit number attached by approval of the plumbing inspector. The house sewer shall be left uncovered until inspected by the plumbing inspector or his designee. Twenty-four hours' advance notice will be given the public works director or his designee and the plumbing inspector.
Sec. 19-103. Application for connection permit.

The application shall contain a description of the premises and of the house or building with which it is desired to connect with the sewer. No new sewer connection permit shall be issued unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and suspended solids.

Sec. 19-104. Connection permit and inspection fees—Generally.

The following permit and inspection fees shall be paid to the business office at the time the application for a permit required by this article is filed:

1. **Sewer connection permit fees.** The fee for connecting a house with a public sanitary sewer shall be as designated in the city fee schedule.

2. **Inspection fees.** In addition to the permit fee, there shall be an inspection fee as designated in the city fee schedule for connecting a residence or commercial property to a public sanitary sewer.

Sec. 19-105. Same—Special assessment connection fee.

Nothing in this article shall be construed to require the payment of a permit fee where the property to be served by making the connections has been specially assessed or specially taxed to help pay the cost of constructing the sanitary sewer to which connection is to be made and such special assessment or special tax on that property is not delinquent, but this shall not excuse payment of the inspection fee. Special assessment projects and fees will be designated by resolution of the city council.

Sec. 19-106. Reserved.

Sec. 19-107. Sewer to be plugged after connection made.

The sewers shall be plugged immediately after the connection has been made.

Sec. 19-108. Responsibility for installation costs; indemnification of the city.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
Sec. 19-109. Separate sewer required for every building; exception.

A separate and independent building sewer shall be provided for every building; except (1) where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building may be extended to the rear building and the whole considered as one building sewer; or (2) where the Macomb Public Works Director or his designee determines that a shared building sewer would be appropriate and advisable so long as the following conditions are met: (a) the buildings are all on the same lot and under the same ownership, (b) the point at which the building sewers are connected is outside of any building foundation or structure, and (c) the installation meets all requirements of the Illinois State Plumbing Code. The city does not and will not assume obligation or responsibility for damage caused by or resulting from any such single connection.

Sec. 19-110. Use of old sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

Sec. 19-111. Sewer specifications generally.

The building sewer must be PVC, SDR, 26 or 21 grade; or other suitable Schedule 40 material approved by the public works director or his designee. Joints shall be tight and waterproof.

Sec. 19-112. Reserved.

Sec. 19-113. Sewer depth.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Change in direction shall be made only with properly cured pipe and fittings.

Sec. 19-114. Low drain.
In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-115. Excavations.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the public works director or his designee. Pipe laying and backfill shall be performed in accordance with the regulations relating to the making of excavations in streets except that no backfill shall be placed until the work has been inspected.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05; Ord. No. 10-10, § 2, 4-5-10)


All joints and connections of building sewers shall be made gastight and watertight.

Other jointing materials and methods may be used only by approval of the public works director or his designee.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-117. Manner of connecting to public sewer.

The connection of the building sewer into the public sewer shall be made at the "Y" branch or "T" branch, if such branch is available at a suitable location. If no T or Y is available, connection shall be made with an "insertia tee" fitting. A hole saw of the proper diameter shall be used to cut into the public sewer after installation of the saddle. The plug or core cut from the public sewer shall be removed from the sewer and service. The elevation of the centerline of the building sewer shall be at or higher than the elevation of the centerline of the public sewer at the point of connection. The elevation of the centerline of the building sewer shall be at or higher than the elevation of the centerline of the public sewer at the point of connection. Special fittings may be used for the connection only when approved by the public works director or his designee.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-118. Approval of connection for surface runoff.

No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the public works director or his designee for purposes of disposal of polluted surface drainage.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)
Sec. 19-119. Notification to public works director or his designee when sewer is ready for connection; supervision of connection.

The applicant for the building sewer permit shall notify the public works director or his designee when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the public works director or his designee.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-120. Protection of work.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-121. Disconnection where building moved or demolished.

In all cases where a building is removed or demolished, all sanitary sewers must be cut off at the property line and the end nearest the main plugged after which the person doing the work shall promptly notify the public works director or his designee, who shall make an inspection thereof before any backfilling is done.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-122. Duty of owners to keep pipes and fixtures in good repair.

When any portion of the property owner's exterior sewer services pipe, which is the responsibility of the property owner, becomes defective or creates a nuisance, and the owner fails to correct such nuisance, the city may do so and assess the repair costs thereof to the property owner.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

City reservoir, ch. 9.

Secs. 19-123—19-140. Reserved.

ARTICLE VII. USE OF PUBLIC SEWERS

Sec. 19-141. Special agreements for treatment of industrial waste.

Sec. 19-142. User rates and charges; billing; collection of charges.

Secs. 19-143—19-160. Reserved.
Sec. 19-141. Special agreements for treatment of industrial waste.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore by the industrial concern.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Sec. 19-142. User rates and charges; billing; collection of charges.

(a) Rates established. The class I sewer service charge, which is for users inside the corporate limits of the city, shall be as designated in the city fee schedule, commencing May 1, 2004, and shall be composed of two separate segments as follows:

(1) A user charge for the operation, maintenance and depreciation of the sewer system; and

(2) A user charge for debt service expense for the sewer system.

The class I sewer service charge, which is for users outside the city limits, shall be as designated in the city fee schedule, commencing May 1, 2004, and shall be composed of two separate segments as follows:

(1) A user charge for the operation, maintenance, and depreciation of the sewer system; and

(2) A user charge for debt service expense for the sewer system.

The minimum charge for any class I user for use of the sewer system shall be $2.00.

(b) Billing; responsibility for payment.

(1) The rates or charges for service shall be payable monthly.

(2) The owner of the premises, the occupant thereof and the user of the services shall be jointly and severally liable to pay for the service to such premises, and the service is furnished to the premises by the city only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the city.

(3) Bills for sewer service shall be sent out by the business office on the first day of the month succeeding the period for which the service is billed.

(4) All sewer bills are due and payable by the fifteenth day after the bill date. A charge of ten percent shall be added to
all bills not paid by the due date shown on each bill.

(5) There will be a fee as designated in the city fee schedule, added to any amount where the financial institution returns for any reason, any monetary transaction, made either by check (electronic or paper), or credit card. These accounts will be subject to termination without notice.

(c) Delinquent bills. In all cases when default is made in payment for sewer service furnished by the city on the tenth day after the due date on the utility bill, water service shall be discontinued without further notice and shall not be reinstated until all claims are settled. If payment is made after 4:30 p.m. the water re-connection will be done the following business day unless the after hours fee is paid.

(d) Lien; notice of delinquency.

(1) Whenever a bill for sewer service remains unpaid for 60 days after it has been rendered, the business office shall file with the county recorder of deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. The fees and costs for the filing and releasing of the notice of lien shall be added to the charges owed by the owners.

(2) If the user whose bill is unpaid is not the owner of the premises and the business office has notice of this, notice shall be mailed to the owner of the premises, if his address is known to the business office whenever such bill remains unpaid for a period of 60 days after it has been rendered. The failure of the business office to record such a lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills.

(e) Foreclosure of lien. Property subject to a lien for unpaid charges shall be sold for nonpayment of the charges, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosures shall be by complaint in equity in the name of the city.

The city attorney is hereby authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 60 days after is has been rendered.

(f) Use of revenues.

(1) All revenues and money derived from the operation of the sewer system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the city separate and apart from all other funds of the city.
(2) The business office shall receive all such revenues from the sewer system and all other funds and moneys incident to the operation of such system and deposit the moneys in the account of the fund designated as the sewerage fund of the city.

(g) Accounts.

(1) The business office shall establish a proper systems of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

(2) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet the applicable regulations. In this regard, the financial information to be shown in the audit report shall include the following:

   a. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
   b. Billing data to show total number of gallons billed.
   c. Debt service for the next succeeding fiscal year.
   d. Number of users connected to the system.
   e. Number of nonmetered users.
   f. A list of users discharging nondomestic wastes (industrial users), and volume of waste discharged.

(h) Notice of rates. A copy of this section, properly certified by the city clerk, shall be filed in the office of the recorder of deeds of the county and shall be deemed notice to all owners of real estate of the charges of the sewer system of the city on their properties.

(i) Penalty. Any person violating any provision of this section shall be fined not less than $10.00 and not more than $500.00 for each offense.

(j) Access to records. The state environmental protection agency or its authorized representative shall have access to any books, documents, papers and records of the city which are applicable to the city
system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions to any state grant.

(k)  **Suit to collect unpaid charges.** At any time after any money becomes due the city for services provided under this chapter, the city attorney is authorized to commence suit in any court of competent jurisdiction in the name of the city against the owner at the time of the premises for or upon which the sewer was furnished or against the person using or consuming such water, and to prosecute such suit to final judgment, or the city attorney, may, in the name of the city, commence suit against the owner, occupant or person in possession of the premises for or upon which such water has been furnished, jointly or severally, by proper process in a proper court of law, and proceed to prosecute such suit until the sewer bill or account is paid.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05; Ord. No. 16-33, § 3, 11-7-16)

Secs. 19-143—19-160. Reserved.

ARTICLE VIII. PENALTY PROVISIONS

Sec. 19-161. Tampering with property of sewage works; liability for damage caused violation.

Sec. 19-161. Tampering with property of sewage works; liability for damage caused violation.

(a) No unauthorized person shall maliciously, willfully or negligently break damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and shall be subject to the penalty provided in section 1-8.

(b) In addition to any applicable penalty, any person violating any provisions of this chapter shall become liable to the city for any expense, loss or damage sustained by the city by reason of such violation.

(Ord. No. 05-02, § 3(Exh. B), 2-7-05)

Chapter 20 STREETS, SIDEWALKS AND PUBLIC GROUNDS [1](78)

ARTICLE I. IN GENERAL

Sec. 20-1. Definition.

Sec. 20-2. Deposit of waste and harmful materials in public places.

Sec. 20-3. Injuring pavement.
Sec. 20-1. Definition.

The word "street," as used in this chapter, shall mean a street, alley or public place.

(Code 1972, § 21-1)

Sec. 20-2. Deposit of waste and harmful materials in public places.

(a) It shall be unlawful to throw or deposit on any street, alley, sidewalk, gutter or other public place any material which may be harmful to the pavements thereof, or any waste material, rubbish, grass, leaves, branches, glass, tacks, nails or other substances or articles.

(b) No person shall deposit or permit the deposit of any mud, dirt, clay or other materials on any street in such a manner as to create an obstruction or threaten the public safety. Any person allowing such deposit shall be responsible for its removal and to clean up and repair the street.

(c) The chief of police, the community development coordinator, or any person authorized by the mayor and city council, shall be allowed to issue tickets for violations of the provisions of subsections (a) and (b).

(Code 1972, § 21-2; Ord. No. 2676, § 1, 9-5-95; Ord. No. 05-28, § 4, 9-19-05)

Garbage and trash, ch. 11.

Sec. 20-3. Injuring pavement.

It shall be unlawful for any person to willfully injure any pavement in any public place.
Sec. 20-4. Placing articles on ledges over public ways.
   It shall be unlawful to place any movable article on any window ledge or other place abutting on any public street, sidewalk, alley or other place at a height above four feet from the ground in such a manner that the article can be or is in danger of falling onto any such street, sidewalk, alley or other public place.

Sec. 20-5. Overhanging scaffolds and ladders.
   Any scaffold or ladder placed in such a way that it overhangs or can fall on to any public street, alley or public place in the city shall be firmly constructed and safeguarded; and it shall be unlawful to place or leave any tools or articles on such scaffold or ladder in such a manner that the scaffold or ladder can fall on to any street, sidewalk, alley or other public place from a height greater than four feet.

Sec. 20-6. Deposit of construction materials on streets.
   The use of streets for the storage of materials employed in the construction or alteration of a building or structure may be permitted by the superintendent of streets where the use will not unduly interfere with traffic and will not reduce the usable width of the roadway to less than 18 feet. No portion of the street other than that directly abutting on the premises on which the construction or alteration is being done shall be used unless consent for such use is obtained from the owner or occupant of the premises abutting upon such portion.

Sec. 20-7. Deposit of coal and other materials on streets.
   Coal or other materials may be deposited in streets preparatory to delivery or use, provided such deposit does not reduce the usable width of the roadway at that point to less than 18 feet, and that such material or coal, other than material to be used in actual building construction, shall not be permitted to remain on such street for more than three hours. Any such material or coal shall be guarded by lights if the material remains upon any such street after dark.

Sec. 20-8. Posting signs on public property.
   (a) It shall be unlawful for any person to use any street, sidewalk, public place or public property or any pole, tree or other object thereon as space for the display of any signs, placards or other printed, painted or
written matter for any purpose, or to write, print, paint or mark any signs, words or figures thereon; provided, however, this section shall not be construed to prohibit the posting of legal notices posted pursuant to law or the order of any court.

(b) Notwithstanding subsection (a) the city council may upon written petition grant permission in the form of a revocable license to persons to locate signs on public property. In granting any such request, the city council shall give careful consideration to traffic safety and to the public health, safety and welfare. Any such request which is granted may be on such conditions and for such time periods as the city council determines is appropriate.

(Code 1972, § 21-8; Ord. No. 2650, § 1, 11-21-94)

Posting bills, § 3-2.


Sec. 20-9. Erection of poles or wires; installation of conduits.

It shall be unlawful to erect or maintain any poles or wires on or over any public street, alley or other public place or to install any pipes or conduits in or under any public place without having first secured permission from the city council.

(Code 1972, § 21-12)


Sec. 20-10. Openings and stairways.

It shall be unlawful to construct or maintain any opening or stairway in any public sidewalk or street or alley without a permit from the city council. All such lawfully maintained openings or stairways shall be guarded by a suitable strong cover or a railing to be approved by the superintendent of streets.

(Code 1972, § 21-13)

Sec. 20-11. Games and other activities.

(a) It shall be unlawful to play any games upon any street, alley or sidewalk where such games cause any unnecessary noise or interfere with traffic or pedestrians.

(b) It shall be unlawful for any person to engage or participate in any amusement or activity having a tendency to annoy or endanger persons or property on the sidewalks, streets or other city property.

(Code 1972, § 21-14)

Sec. 20-12. Encroachment on public right-of-way.
(a) **Definitions.** The following definitions shall apply in the interpretation and enforcement of this section:

1. **Construction easement area** means the area lying between the project right-of-way limits and the platted street limits within which the city, by concurrence in the establishment of the project right-of-way lines, will permit the state to enter to perform all necessary operations.

2. **Encroachment** means any building, fence, sign or any other structure or object of any kind, with the exception of utilities and public road signs, which is placed, located or maintained in, on, under or over any portion of the project right-of-way, or roadway right-of-way where no project right-of-way line has been established.

3. **Permissible encroachment** means any existing awning, marquee or sign advertising activity on the property or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right-of-way line and not confined by adjacent buildings.

4. **Project right-of-way** means those areas within the project right-of-way lines established jointly by the city and state which will be free of encroachments except as permitted in this section.

5. **Roadway right-of-way** means those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect.

(b) **Prohibition.** It shall be unlawful for any person to erect or cause to be erected or to retain or cause to be retained any encroachment within the limits of the project right-of-way, or roadway right-of-way where no project right-of-way lines have been established.

(Code 1972, § 21-15)

Definitions and rules of construction generally, § 1-2; planting trees or shrubs on public easements prohibited, § 21-43.

Secs. 20-13—20-30. Reserved.

**ARTICLE II. STREET DEPARTMENT**

Sec. 20-31. Created.

Sec. 20-32. Composition.
Sec. 20-31.  Created.

There is hereby created in the city a street department, which shall be an executive department of the city.

(Code 1972, § 21-25)

Sec. 20-32.  Composition.

The street department shall consist of the superintendent of streets and such other officers and employees as may be assigned to it by the city council.

(Code 1972, § 21-26)

Sec. 20-33.  Supervision.

All officers or employees assigned to the street department shall perform their duties subject to the orders and under the supervision of the superintendent of streets.

(Code 1972, § 21-27)

Sec. 20-34.  Superintendent of streets.

The superintendent of streets shall be a city employee and shall report to the director of public works.

(Ord. No. 2895, § 1, 11-18-02)

Sec. 20-35.  Same—Duties.

All public streets, alleys, sidewalks or other public ways in the city shall be under the supervision of the superintendent of streets. He shall supervise and direct all work done thereon and the cleaning thereof, and shall be charged with the enforcement of all ordinances relating to public streets, alleys, sidewalks or other public ways, except traffic ordinances. In these matters, however, he shall be subject to the control of the director of public works.

(Code 1972, § 21-29; Ord. No. 2895, § 1, 11-18-02)

Sec. 20-36.  Custody of department property.
The superintendent of streets shall be the custodian of all property of the city which is assigned to the department.

(Code 1972, § 21-30)

Secs. 20-37—20-50. Reserved.

ARTICLE III. SIDEWALKS

DIVISION 1. GENERALLY

Sec. 20-51. Depositing merchandise on sidewalks preparatory to delivery.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the useable width of the walk is not reduced thereby to less than four feet, and provided that no such articles shall remain on such walk for more than one-half hour.

(Code 1972, § 21-41)

Sec. 20-52. Other obstructions.

The owner or occupant of any premises shall keep the sidewalks abutting the premises free from other obstructions and shall keep the sidewalk and gutter abutting such premises free from any debris.


Sec. 20-53. Obstructing in course of building construction.

No sidewalk shall be obstructed in the course of building construction or alteration without a special permit from the city clerk being first obtained.
Sec. 20-54. Authority of Public Works Director to remove snow and ice.

Nothing in this chapter shall prevent the city under the direction of the public works director from removing snow and ice under the police powers of the city for the safety and protection of the users of the sidewalks or streets.

(Ord. No. 15-35, § 4, 12-21-15)

Sec. 20-55. Deposit of snow or ice.

Unless authorized in writing by the Public Works Director, no person shall deposit or place any snow or ice resulting from clearing operations upon any street or sidewalk.

The public works director may authorize persons to temporarily deposit or place snow or ice in a street or sidewalk while in the process of clearing private property provided that:

1. Appropriate traffic control devices are used to prevent injury to the public;
2. Appropriate machinery is used to avoid damage to the city street or sidewalk; and
3. The authorized person continuously monitors and proceeds with the snow removal on both private and public property until the snow deposited on public property is removed from public property.

(Ord. No. 15-35, § 5, 12-21-15)

Sec. 20-56. Snow and ice removal from sidewalks.

(a) Every owner of a lot within the designated abatement zones as defined in section 20-57, which lot contains, abuts or fronts on a paved public sidewalk, shall remove and clear away, or cause to be removed and cleared away, snow, after at least three inches of snow has accumulated, and also accumulations of ice, sleet, or freezing rain. After initial clearance, the responsible person shall maintain the sidewalk in a reasonably clear condition.

(b) When snow, ice, or freezing rain is required to be removed, as per subsection (a) of this section, it shall be removed from the full width of the sidewalk, or at least (48) inches in area, whichever is less in width, along the entire length of the public sidewalk which is upon, fronts or abuts the property. For owners of property most closely abutting sidewalk ramps, owners shall clear the ramps in the same fashion as the sidewalk.

(c) Except as provided in subsection (d) of this section, snow, ice, sleet, or freezing rain shall be removed as provided in subsection (a)
and (b) of this section within 24 hours after the public announcement of the public works director set forth in subsection (f) of this section.

(d) In the event snow, ice, sleet or freezing rain on a sidewalk has become so hard that it cannot be reasonably removed without damage to the sidewalk, or is otherwise largely impractical to remove, the person responsible for said removal shall cause enough sand or other abrasive material to be put on the sidewalk to make travel thereon reasonably safe, and shall maintain the sidewalk in such condition until weather permits the owner to comply with subsections (a) and (b) of this section.

(e) No person shall shovel, plow, blow, or deposit any snow or ice accumulations from private property onto the sidewalks or streets of the city, or from the sidewalks of the city onto the streets of the city.

(f) Enforcement declaration.

(l) The declaration by the public works director that accumulations of snow have reached three inches, or that there exists accumulations of ice, sleet, or freezing rain shall be determinative of the amount of accumulation or event causing subsections (a) through (c) to be effective.

(2) The declaration by the public works director of the time frame for removal or cleaning of accumulations of snow, ice, sleet or freezing rain shall be determinative of the time for removal set forth in subsection fc). Before making the announcement, the public works director shall be guided by the following standards:

a. The announcement shall be timed to roughly coincide with the substantial cessation of the precipitation event.

b. The announcement shall be made so that the time frame for beginning enforcement takes place Monday after 6:00 a.m. through 5:00 p.m. Friday, and not on recognized federal or state holidays.

c. The announcement shall take into account the progress in snow removal by the city on arterial streets within the areas and be timed to coincide with the substantial completion of such operations.

(3) The public works director shall take practical steps to notify the city council, the public, and news media of any such declarations provided for in this subsection. A copy of such declaration or notification shall be filed with the city clerk.

(Ord. No. 15-35, § 6, 12-21-15)

Sec. 20-57. Abatement in designated snow and ice removal areas.
(a) The following areas are designated abatement zones for snow and ice removal:

(1) Downtown zone: Defined as the public sidewalks on both sides of Lafayette Street, where they exist, from Washington Street going north to Calhoun Street: the public sidewalks on both sides of Randolph Street, where they exist, from Washington Street going north to Calhoun Street; West Jackson Street public sidewalks on both sides where they exist from Randolph Street to Campbell Street: the public sidewalks on both sides of Carroll Street from Lafayette Street to Randolph Street; the North Side Square public sidewalk; and the South Side Square public sidewalk (as depicted on the map attached and marked as Exhibit A, incorporated herein).

(2) School zone:

a. St. Paul: Defined as the public sidewalk on the west side of South Johnson Street between West Jackson Street and West Washington Street; the sidewalk on both sides of West Washington Street from South McArthur Street to South Johnson Street; and on the north side of West Washington Street from South Johnson Street until South Albert Street (as depicted on the map attached and marked as Exhibit B, incorporated herein).

b. Edison: Defined as the public sidewalk along the east side of South Pearl Street from East Piper Street on the north, and extending to East Franklin Street on the south (as depicted on the map attached and marked as Exhibit C, incorporated herein).

c. Jr. Sr. High School: Defined as the public sidewalk on the west side of Maple Avenue from East Grant Street heading south to the southernmost entrance to the Macomb Jr. Sr. High School on Maple Avenue; the public sidewalk on the east side of Grant Street from the east side of the entrance to 437 East Grant Street, heading west to South Johnson Street where the sidewalk exists; the public sidewalk on the north side of West Grant Street from South Johnson Street heading east to South McArthur Street, where sidewalk exists; the public sidewalk on the east side of South Johnson Street from Grant Street to West Kelly Street entering on the west side; and the public sidewalk on the east side of South Randolph Street extending 130’ north from Grant Street (as depicted on the map attached and marked as Exhibit D, incorporated herein).

d. Lincoln School: Defined as public sidewalk on the south side of East Calhoun Street from
North White Street heading east to North Bonham Street; the east side sidewalk along North Bonham Street from East Carroll Street to East Adams Street; and the east side sidewalk of East Adams Street from North Bonham Street heading east to North Prairie Avenue as depicted on the map attached and marked as Exhibit E, incorporated herein).

(3) **Corridor zone:** Defined as all public sidewalks along both sides of North Lafayette, extending from Pierce Street, heading south to Calhoun Street; then on the east side continuing east along East Calhoun Street, on both sides where sidewalk exists, until North Campbell Street; then south on North Campbell Street, on both sides where sidewalk exists until East Jackson Street; then in an easterly direction along East Jackson Street, on both sides where sidewalk exists until Bower Road; from Calhoun Street on the west side heading along the Calhoun Bypass on both sides where sidewalk exists, until the street turns into North Johnson Street; then continuing south, sidewalks on both sides where they exist until West Jackson Street; then heading west along West Jackson Street, including all public sidewalks on both sides where they exist along West Jackson Street until Robin Road as depicted on the map attached and marked as Exhibit F, incorporated herein).

(b) If in a designated abatement zone the person responsible fails to clear snow, ice, sleet or freezing rain as provided for in this article, such person consents impliedly to the creation of a contract with the City to perform such snow, ice, sleet or freezing rain removal on behalf of such person, consistent with the terms set forth in this article. Situations resulting from failure to comply with this article shall be considered imminent hazards which allow the city to follow summary abatement procedures as detailed in this article.

(c) Notice of warning. Property owners will receive only one notice required to be served during any snow and ice precipitation season as to any property. After said notice has been served, following a subsequent 24-hour period of noncompliance. City or its contractor shall clear and abate the accumulation of snow and/or ice.

(d) After the city or its contractor clears such accumulation, the person responsible for snow removal pursuant to this Article shall pay to the city all the costs incurred by the city or its contractor as the result of such removal including, but not limited to, all costs incurred by the city as administrative costs.

(e) The responsible person shall pay the city's costs within 28 days after the city sends out a bill to such person. If such person fails to pay the full amount within the 28-day time period, such person shall additionally pay the costs of collection, including reasonable attorney's fees.

(f) The person last paving taxes on any property subject to
this section is presumed to be responsible for the costs set forth in this subsection.

(g) This section is intended to be penal in nature and is not intended to create a civil duty or right in other parties.

(Ord. No. 15-35, § 7, 12-21-15)

Secs. 20-58—20-70. Reserved.

DIVISION 2. DRIVEWAYS

Sec. 20-71. Construction permit required.

Sec. 20-72. Application for construction permit.

Sec. 20-73. Grade and surface.

Sec. 20-74. Specifications.

Sec. 20-75. Duty to repair and keep free from obstructions.

Secs. 20-76—20-90. Reserved.

Sec. 20-71. Construction permit required.

No person shall construct a driveway for vehicles or animals across any public sidewalk, public parkway or public right-of-way in the city without having first obtained a permit therefor.

(Code 1972, § 21-49)

Sec. 20-72. Application for construction permit.

Applications for permits required by this division shall be made to the city clerk and shall be accompanied by the required fee.

(Code 1972, § 21-50)

Sec. 20-73. Grade and surface.

No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the driveway crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

(Code 1972, § 21-52)

Sec. 20-74. Specifications.
All plans and specifications for driveways must conform to the following minimum requirements before a permit for construction or reconstruction shall be permitted:

(1) Driveways for a residential or dwelling house over, across or upon any portion of a public sidewalk, public parkway or public right-of-way shall be constructed of material equaling six inches of Portland cement or six inches of approved bituminous surface, for the full width of the driveway. The construction shall be made under the supervision of the superintendent of streets and subject to his approval.

(2) Driveways for other than residential or dwelling house use shall be constructed of Portland cement concrete at least seven inches in thickness, for the full width of the driveway. The construction shall be made under the supervision of the superintendent of streets and subject to his approval.

(Code 1972, § 21-53)

Sec. 20-75. Duty to repair and keep free from obstructions.

It shall be the duty of the person maintaining a driveway to keep the driveway in good repair where it crosses the sidewalk, and to keep it free from obstructions and openings.

(Code 1972, § 21-54)

Secs. 20-76—20-90. Reserved.

ARTICLE IV. CONSTRUCTION AND EXCAVATIONS

DIVISION 1. GENERALLY

Sec. 20-91. Construction permit required.

Sec. 20-92. Application for construction permit.

Sec. 20-93. Specifications.

Sec. 20-94. Barricades and lights.

Sec. 20-95. Interfering with construction, barricades, etc.

Secs. 20-96—20-110. Reserved.

Sec. 20-91. Construction permit required.

It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way or to repair any public street, sidewalk, alley or other public way without first having secured a permit therefor.
Sec. 20-92. Application for construction permit.

Applications for construction permits required by this division shall be made to the city clerk and shall state the location of the intended pavement or repair, the extent thereof, and the person who is to do the actual construction work.

Sec. 20-93. Specifications.

(a) All street and sidewalk pavements shall be made in conformity with the specifications laid down or approved from time to time by the city council.

(b) The standard specifications for road and bridge construction currently used by the state department of transportation shall apply unless a different specification has been adopted by the city council or is required by this Code.

Sec. 20-94. Barricades and lights.

Any person laying or repairing any pavement on any street, sidewalk or other public place or making or maintaining any excavation, tunnel or opening in any such place shall place and maintain suitable barricades or warning signs to prevent injury to any person, vehicle or property by reason of such work. Each barricade or warning sign shall be protected by a light at night.

Sec. 20-95. Interfering with construction, barricades, etc.

It shall be unlawful for any person:

(1) To walk upon or drive any vehicle or animal upon any newly laid street, alley or sidewalk pavement while the pavement is guarded by a barricade or warning sign.

(2) To disturb, move, deface or damage any barricade or warning sign or light lawfully placed to protect any paving or repair work or tunnel, excavation or opening in or on any street, alley, sidewalk or other public place.

(3) To interfere with, damage or disturb any pavement or repair work or any tunnel, excavation or opening on or in any street, alley, sidewalk or other public place while the work is guarded by barricades or warning signs.
Secs. 20-96—20-110. Reserved.

DIVISION 2. EXCAVATIONS \[3\](80)

Sec. 20-111. Permit required.

Sec. 20-112. Application for permit.

Sec. 20-113. Permit fee.

Sec. 20-114. Liability insurance.

Sec. 20-115. Deposit for cost of restoration.

Sec. 20-116. Unlawful excavation.

Sec. 20-117. Penalty.

Secs. 20-118—20-130. Reserved.

Sec. 20-111. Permit required.

It shall be unlawful for any person to make any excavation in any street, sidewalk, alley or driveway in the city or to tunnel under any street, sidewalk, alley or driveway in the city without first having obtained a permit from the city and complying with the provisions of this chapter.

(Code 1972, § 21-75; Ord. No. 10-10 § 3, 4-5-10)

Sec. 20-112. Application for permit.

Application for a permit required by this division shall be made to the community development office and shall contain thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the name of the person doing the actual excavating or tunneling and the name of the person for whom such work is being done.

(Code 1972, § 21-76; Ord. No. 10-10 § 4, 4-5-10)

Sec. 20-113. Permit fee.

The fee for a permit required by this division shall be as set forth in section 24-7.

(Code 1972, § 21-77; Ord. No. 10-10-§ 5, 4-5-10)

Sec. 20-114. Liability insurance.

(a) No permit required by this division shall be issued unless the applicant has in full force and effect a satisfactory insurance policy in
the following amount:

(1) One hundred thousand dollars liability for injury to each person.
(2) Three hundred thousand dollars liability for each occurrence.
(3) Fifty thousand dollars for injury to property.

(b) The insurance policy required by this section shall be conditioned to provide for payment of damages in the amounts specified in this section which result or accrue from or because of the making or existence of any excavation or tunnel or because of the manner of performing any work to be performed pursuant to the permit required by this division.

(Code 1972, § 21-78)

Sec. 20-115. Deposit for cost of restoration.

(a) Any person applying for an excavation permit to perform excavation work under this division shall accompany the application for a permit with a cash deposit, or performance bond made payable to the city as provided for in this section.

(b) The amount of deposit or bond required under this section shall be as set forth in section 24-7. The city council shall, on an annual basis, determine the required bond/deposit for any public right-of-way disturbed or removed by excavation. In the event that the permit holder/contractor fails to properly restore the excavated site to the standards set forth in section (c) of this section, this deposit or bond shall provide for repairing, replacing or restoring the following surfaces:

(1) Unimproved streets.
(2) Streets paved with oil- or water-bound macadam.
(3) Streets with cement concrete base or cement concrete.
(4) Streets paved with asphalt concrete and bitulithic on broken rock.
(5) Dirt and grassy surfaces.
(6) Sidewalks.
(7) Any other surface restoration determined by the city council.

(c) The standard specifications for road and bridge construction adopted by the state department of transportation shall be the
basis of the restoration, unless a different standard specification has been adopted by the public works department or is required by this Code.

(d) At the conclusion of the excavation, the excavator shall restore the excavation site to the standard adopted by the public works department under the direction of the public works director or his designee.

(e) The permit holder or his agent shall warrant the restored excavation site for not less than one year and the cash deposit or performance bond shall remain in force for the warranty period.

(Code 1972, § 21-79; Ord. No. 10-10 § 6, 4-5-10)

Sec. 20-116. Unlawful excavation.

It shall be unlawful for any person to make an excavation in or to tunnel under any public street, alley, sidewalk or other public way without a permit from the community development office as required by section 20-111.

(Code 1972, § 21-81; Ord. No. 10-10 § 7, 4-5-10)

Sec. 20-117. Penalty.

Any violation of division 2, excavations shall be punishable by a fine of not less than $100.00 and not more than $750.00. Each day a violation occurs or continues shall constitute a separate offense.

(Ord. No. 10-10, § 8, 4-5-10)

Secs. 20-118—20-130. Reserved.

ARTICLE V. AWNINGS [4] [81]

Sec. 20-131. Permit required.

Sec. 20-132. Application for permit.

Sec. 20-133. Height.

Secs. 20-134—20-150. Reserved.

Sec. 20-131. Permit required.

No person shall erect or maintain any rigid canopy or awning over any street, sidewalk or alley in the city without having first obtained a permit therefor.

(Code 1972, § 21-91)

Sec. 20-132. Application for permit.

Applications for permits required by this article shall be made to the building
inspector and shall designate the location of the proposed structure.

(Code 1972, § 21-92)

Sec. 20-133. Height.

No person shall erect or maintain any awning or canopy, whether rigid or not, over or across any street, sidewalk or alley if the lowest part thereof over the sidewalk is less than 7½ feet above the sidewalk level or if the lowest part thereof over any street or alley is less than 15 feet above the level of such street or alley.

(Code 1972, § 21-93)

Secs. 20-134—20-150. Reserved.

ARTICLE VI. RESERVED [5](82)

Secs. 20-151—20-170. Reserved.

Secs. 20-151—20-170. Reserved.

ARTICLE VII. RESERVED [6](83)

Secs. 20-171—20-190. Reserved.

Secs. 20-171—20-190. Reserved.

ARTICLE VIII. SIDEWALK DISPLAYS [7](84)

DIVISION 1. RESERVED [8](85)


DIVISION 2. DISPLAY CASES

Sec. 20-211. License required.

Sec. 20-212. Application for license.

Sec. 20-213. License fee.

Sec. 20-214. Granting or denial of license.

Sec. 20-215. Term of license.
Sec. 20-211. License required.

It shall be unlawful for any person to place or maintain a display case upon the sidewalks of the city without first having obtained a license therefor.

(Code 1972, § 21-144)

Sec. 20-212. Application for license.

The application for a license required by this division shall be made to the city clerk and shall state the place where it is desired to place or maintain the display case and its size, nature and construction, and the things to be shown therein.

(Code 1972, § 21-145)

Sec. 20-213. License fee.

The fee for a license required by this division shall be $25.00 per year.

(Code 1972, § 21-146)

Sec. 20-214. Granting or denial of license.

The application for a license required by this division shall be presented by the city clerk to the city council, which shall either grant or refuse such license, as it shall deem advisable for the best interests of the city. The decision of the city council shall be final.

(Code 1972, § 21-147)

Sec. 20-215. Term of license.

The term of a license required by this division shall be for one year, beginning on May 1 and expiring on April 30 of the following year.

(Code 1972, § 21-148)

Secs. 20-216—20-230. Reserved.

ARTICLE IX. HOUSE NUMBERING [9](86)

Sec. 20-231. Compliance with article.
Sec. 20-232. Assignment of numbers; records.
Sec. 20-233. Placement of numbers; size of numerals.
Sec. 20-234. Numbering system.
Sec. 20-231. Compliance with article.

It is hereby made the duty of the owner, agent or person in possession of each and every house or building in the city to number it in the manner provided in this article.

(Code 1972, § 21-159)

Sec. 20-232. Assignment of numbers; records.

It shall be the duty of the city clerk to establish and assign the numbers of all houses and buildings on the streets, avenues and thoroughfares of the city, and he shall prepare and keep the necessary records of the numbers so assigned by him, which records shall be evidence of the numbers so assigned. He shall, on demand, furnish each owner, agent or person in possession of a house or building information as to the number assigned thereto. The numbers heretofore assigned to houses and buildings shall remain the numbers of such houses or buildings until changed by the city clerk.

(Code 1972, § 21-160)

Sec. 20-233. Placement of numbers; size of numerals.

Numbers assigned pursuant to this article shall be placed and maintained in a place visible from the street. The numbers shall be at least three inches high.

(Code 1972, § 21-161)

Sec. 20-234. Numbering system.

All houses and buildings fronting on streets, avenues and thoroughfares in the city shall be numbered as follows:

(1) Lafayette Street shall be the base or dividing line for numbering houses and buildings on all streets and avenues running east and west, and Jackson Street or Jackson Street extended due west of its intersection with Robin Road shall be the base or dividing line for numbering houses and buildings on all streets and avenues running north and south.

(2) As to streets and avenues which extend both north and south of Jackson Street, that portion thereof north of Jackson Street shall be designated by the prefix "North" and that portion thereof south of Jackson Street shall be designated by the prefix "South." As to streets and avenues which extend both east and west of Lafayette Street, that portion thereof east of Lafayette Street shall be designated by the prefix "East" and that portion thereof west of Lafayette Street shall be designated by the prefix "West."

(3) As to the streets running north and south, the first number on each side of Jackson Street shall be 100, and the numbering shall
progress north and south therefrom at the rate of 100 numbers to the distance of each block from Jackson Street, or, where intersecting streets do not occur on a regular basis comparative to that in the center of the city, then at the rate of 100 numbers to the distance of each 360 feet. As to the streets running east and west, the first number upon each side of Lafayette Street shall be 100, and the numbering shall progress east and west therefrom at the rate of 100 numbers to the distance of each block from Lafayette Street, or, where intersecting streets do not occur on a regular basis comparative to that in the center of the city, then at the rate of 100 numbers to the distance of each 360 feet.

(4) The odd numbers shall be used on the east side of streets and avenues running north and south in the city and upon the south side of all streets and avenues running east and west in the city. The even numbers shall be used on the west side of all streets and avenues running north and south and upon the north side of all streets and avenues running east and west in the city.

(Code 1972, § 21-162)

Secs. 20-235—20-250. Reserved.

ARTICLE X. ADOPT-A-STREET PROGRAM

Sec. 20-251. Definitions.
Sec. 20-252. Program applications.
Sec. 20-253. Program agreement.
Sec. 20-254. Group responsibilities.
Sec. 20-255. City responsibilities.
Sec. 20-256. Designation of director.

Sec. 20-251. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.


Adopted section means a length of city right-of-way and a length of state right-of-way identified by the Illinois Department of Transportation and city as a safe, adoptable section of right-of-way located within the corporate limits of the city, approved by the city's director for adoption by a group. Sections of rights-of-way may be determined inappropriate for adoption for safety reasons.

Business day means a normal work day when city offices are open and regular
city business is transacted. Business day shall not include Saturday, Sunday or legal holidays observed by the city.

*Director* means the designee or designees of the city who has responsibility for the administration of the city's adopt-a-street program.

*Group* means members or employees of civic or not-for-profit organizations, and commercial or private enterprises, who have requested to participate, or are participating in, an adopt-a-highway program.

*Group coordinator* means the individual selected by a group to serve as its liaison with the city for the adopt-a-street program.

*Group president* means the individual who is the recognized leader, president or chairman of a group.

*Program* means the adopt-a-street program of this city as outlined in this article.

(Ord. No. 2588, § 2, 9-7-93)

**Sec. 20-252. Program applications.**

Any group wishing to participate in the program shall apply for participation on forms provided by the director. Applications shall be submitted to the director. The director shall determine the appropriateness of the requested section of right-of-way for adoption, the appropriateness of the groups as a participant in the program and consider any other factors which may be relevant. The director shall accept or reject the application within ten business days after its receipt. The decision of the director shall be final.

(Ord. No. 2588, § 3, 9-7-93)

**Sec. 20-253. Program agreement.**

When a program application is accepted, a program agreement shall be prepared for signature by the group coordinator and group president. The executed program agreement shall be presented to the city council for its approval. The program agreement shall be in the form prescribed by the city.

(Ord. No. 2588, § 4, 9-7-93)

**Sec. 20-254. Group responsibilities.**

(a) Any group participating in the program shall have those responsibilities set forth in section 25 of the Act.

(b) In addition to any other responsibilities, any group participating in the program shall:

1. Be responsible for litter collection on both sides of any adopted section;

2. Pay the actual costs of materials for all permanent program signs and posts used to post the adopted section
which recognize the group as the entity responsible for such right-of-way;

(3) Arrange to pick up and return safety clothing, temporary signs and other items provided to the group by the city for a litter collection activity on an adopted section;

(4) Provide an adequate number of group members to clean litter from an adopted section on any occasion within a continuous 48-hour period;

(5) Conduct a group safety training meeting prior to each litter collection activity on an adopted section and require all participating group members to attend such meeting before participating in the litter collection activity;

(6) Conduct at least two of the group’s required four litter collection activities on any adopted section between May 1 and August 31 of each year;

(7) Conduct all litter collection activities on any adopted section only as authorized by the director.

(Ord. No. 2588, § 5, 9-7-93)

Sec. 20-255. City responsibilities.

The city shall have those responsibilities for the program specified in sections 30 and 40 of the Act.

(Ord. No. 2588, § 6, 9-7-93)

Sec. 20-256. Designation of director.

The superintendent of streets is designated as director of the program.

(Ord. No. 2588, § 7, 9-7-93)

ARTICLE XI. CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

Sec. 20-257. Purpose and scope.

Sec. 20-258. Definitions.

Sec. 20-259. Annual registration required.

Sec. 20-260. Permit required; applications and fees.

Sec. 20-261. Action on permit applications.

Sec. 20-262. Effect of permit.

Sec. 20-263. Revised permit drawings.

Sec. 20-264. Insurance.
Sec. 20-257. Purpose and scope.

(a) Purpose. The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the city's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the city rights-of-way and the city as a whole.

(b) Intent. In enacting this article, the city intends to exercise its authority over the rights-of-way in the city and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

(1) Prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;

(2) Prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

(3) Prevent interference with the facilities and operations of the city's utilities and of other utilities lawfully located in rights-of-way or public property;
(4) Protect against environmental damage, including damage to trees, from the installation of utility facilities;

(5) Protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;

(6) Preserve the character of the neighborhoods in which facilities are installed;

(7) Preserve open space, particularly the tree-lined parkways that characterize the city's residential neighborhoods;

(8) Prevent visual blight from the proliferation of facilities in the rights-of-way; and

(9) Assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(c) Facilities subject to this article. This article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the city. A facility lawfully established prior to the effective date of this article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(d) Franchises, licenses, or similar agreements. The city, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the city rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the city enter into such an agreement. In such an agreement, the city may provide for terms and conditions inconsistent with this article.

(e) Effect of franchises, licenses, or similar agreements.

(1) Utilities other than telecommunications providers. In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the city, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(2) Telecommunications providers. In the event of any conflict with, or inconsistency between, the provisions of this article and the provisions of any franchise, license or similar agreement between the city and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(f) Conflicts with other articles. This article supersedes all articles or parts of articles adopted prior hereto that are in conflict herewith, to the extent of such conflict.
Conflicts with state and federal laws. In the event that applicable federal or state laws or regulations conflict with the requirements of this article, the utility shall comply with the requirements of this article to the maximum extent possible without violating federal or state laws or regulations.

Sound engineering judgment. The city shall use sound engineering judgment when administering this article and may vary the standards, conditions, and requirements expressed in this article when the city so determines. Nothing herein shall be construed to limit the ability of the city to regulate its rights-of-way for the protection of the public health, safety and welfare.

Sec. 20-258. Definitions.

As used in this article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30, unless the context clearly requires otherwise.

AASHTO. American Association of State Highway and Transportation Officials.

Alternative antenna structure. An existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a city-owned infrastructure.

ANSI. American National Standards Institute.

Antenna. Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

Applicant. A person applying for a permit under this article.

ASTM. American Society for Testing and Materials.

Backfill. The methods or materials for replacing excavated material in a trench or pit.

Bore or boring. To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

Cable operator. That term as defined in 47 U.S.C. 522(5).

Cable service. That term as defined in 47 U.S.C. 522(6).

Cable system. That term as defined in 47 U.S.C. 522(7).

Carrier pipe. The pipe enclosing the liquid, gas or slurry to be transported.

Casing. A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

City. The City of Macomb.
City-owned infrastructure. Infrastructure in public right-of-way within the boundaries of the city, including, but not limited to, streetlights, traffic signals, towers, structures, or buildings owned, operated or maintained by the city.

Clear zone. The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

Coating. Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.


Conductor. Wire carrying electrical current.

Conduit. A casing or encasement for wires or cables.

Construction or construct. The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

Cover. The depth of earth or backfill over buried utility pipe or conductor.

Crossing facility. A facility that crosses one or more right-of-way lines of a right-of-way.

Director of public works. The city director of public works or his or her designee.

Disrupt the right-of-way. For the purposes of this article, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: Excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

Distributed antenna system (DAS). A type of personal wireless telecommunication facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area. Generally serves multiple carriers.

Emergency. Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

Encasement. Provision of a protective casing.

Equipment. Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

Excavation. The making of a hole or cavity by removing material, or laying bare by digging.
Extra heavy pipe. Pipe meeting ASTM standards for this pipe designation.

Facility. All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this article. For purposes of this article, the term "facility" shall not include any facility owned or operated by the city.

Freestanding facility. A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

Frontage road. Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

Hazardous materials. Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the director of public works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.


Highway. A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

Holder. A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

IDOT. Illinois Department of Transportation.

ICC. Illinois Commerce Commission.

Jacking. Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

Jetting. Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

Joint use. The use of pole lines, trenches or other facilities by two or more utilities.


Landscape screening. The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen a facility from public view.
**Major intersection.** The intersection of two or more major arterial highways.

**Monopole.** A structure composed of a single spire, pole or tower designed and used to support antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a city-owned infrastructure.

**Occupancy.** The presence of facilities on, over or under right-of-way.

**Parallel facility.** A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

**Parkway.** Any portion of the right-of-way not improved by street or sidewalk.

**Pavement cut.** The removal of an area of pavement for access to facility or for the construction of a facility.

**Permittee.** That entity to which a permit has been issued pursuant to sections 20-260 and 20-261 of this article.

**Personal wireless telecommunication antenna.** An antenna that is part of a personal wireless telecommunications facility.

**Personal wireless telecommunication equipment.** Equipment, exclusive of an antenna, that is part of a personal wireless telecommunications facility.

**Personal wireless telecommunications facility.** An antenna, equipment, and related improvements used, or designed to be used, to provide wireless transmission of voice, data video streams, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

**Practicable.** That which is performable, feasible or possible, rather than that which is simply convenient.

**Pressure.** The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

**Petroleum products pipelines.** Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

**Prompt.** That which is done within a period of time specified by the city. If no time period is specified, the period shall be 30 days.

**Public entity.** A legal entity that constitutes or is part of the government, whether at local, state or federal level.

**Restoration.** The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

**Right-of-way or rights-of-way.** Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the city has the right and authority to authorize, regulate or permit the location of facilities other than those of the city. "Right-of-way" or "rights-of-way" shall not include any real or personal city property that is not specifically
described in the previous two sentences and shall not include city buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

Roadway. That part of the highway that includes the pavement and shoulders.

Sale of telecommunications at retail. The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

Security fund. That amount of security required pursuant to section 20-266.

Shoulder. A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

Small cell facilities. A personal wireless telecommunications facility consisting of an antenna and related equipment either installed singly or as part of a network to provide coverage or enhance capacity in a limited defined area. Generally single-service provider installation.

Sound engineering judgment. A decision(s) consistent with generally accepted engineering principles, practices and experience.

Telecommunications. This term includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. § 76.1500 and following), as now or hereafter amended.

Telecommunications provider. Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit
telecommunications in any form.

*Telecommunications retailer.* Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

*Tower.* Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a city-owned infrastructure. Except as otherwise provided for by this section, the requirements for a tower and associated antenna facilities shall be those required in this section.

*Trench.* A relatively narrow open excavation for the installation of an underground facility.

*Utility.* The individual or entity owning or operating any facility as defined in this article.

*Utility pole.* An upright pole designed and used to support electric cables, telephone cables, telecommunication cables, cable service cables, which are used to provide lighting, traffic control, signage, or a similar function.

*Variance or variation.* A grant of relief by the city administrator or their designee.

*Vent.* A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

*Video service.* That term as defined in section 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

*Water lines.* Pipelines carrying raw or potable water.

*Wet boring.* Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

*Wi-Fi antenna.* An antenna used to support Wi-Fi broadband Internet access service based on the IEEE 802.11 standard that typically uses unlicensed spectrum to enable communication between devices.

(Ord. No. 10-37, § 2, 10-4-10; Ord. No. 17-10, § 2, 5-1-17)

**Sec. 20-259. Annual registration required.**

Every utility that occupies right-of-way within the city shall register on January 1 of each year with the director of public works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in section 20-264 of this article, in the form of a certificate of insurance.

(Ord. No. 10-37, § 2, 10-4-10)

**Sec. 20-260. Permit required; applications and fees.**

(a) *Permit required.* No person shall construct (as defined in
under, across, or within any city right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this article), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the director of public works and obtaining a permit from the city therefor, except as otherwise provided in this article. No permit shall be required for installation and maintenance of service connections to customers’ premises where there will be no disruption of the right-of-way.

(b)  Permit application. All applications for permits pursuant to this article shall be filed on a form provided by the city and shall be filed in such number of duplicate copies as the city may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(c)  Minimum general application requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

1. The utility’s name and address and telephone and telecopy numbers;

2. The applicant’s name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;

3. The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;

4. A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;

5. Evidence that the utility has placed on file with the city:

   i. A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

   ii. An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials
emergencies, and the intended response by the applicant. The intended response shall include notification to the city and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this section unless the city finds that additional information or assurances are needed;

(6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;

(7) Evidence of insurance as required in section 20-264 of this article;

(8) Evidence of posting of the security fund as required in section 20-266 of this article;

(9) Any request for a variance from one or more provisions of this article (see section 20-277); and

(10) Such additional information as may be reasonably required by the city.

(d) Supplemental application requirements for specific types of utilities. In addition to the requirements of subsection (c) of this section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

(1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "certificate of public convenience and necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

(2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

(3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

(4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control and other local or state entities with jurisdiction, have been satisfied; or

(5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.
Applicant's duty to update information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the city within 30 days after the change necessitating the amendment.

Application fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this article shall be accompanied by a fee in the amount established in chapter 24, fee schedule. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

Sec. 20-261. Action on permit applications.

City review of permit applications. Completed permit applications, containing all required documentation, shall be examined by the director of public works within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the director of public works shall reject such application in writing, stating the reasons therefor. If the director of public works is satisfied that the proposed work conforms to the requirements of this article and applicable ordinances, codes, laws, rules, and regulations, the director of public works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the director of public works, that the construction proposed under the application shall be in full compliance with the requirements of this article.

Additional city review of applications of telecommunications retailers.

Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the city that it intends to commence work governed by this article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the city not less than ten days prior to the commencement of work requiring no excavation and not less than 30 days prior to the commencement of work requiring excavation. The director of public works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.

In the event that the director of public works fails to provide such specification of location to the telecommunications retailer within either (i) ten days after service of notice to the city by the telecommunications retailer in the case of work not involving excavation
for new construction or (ii) 25 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this article.

(3) Upon the provision of such specification by the city, where a permit is required for work pursuant to section 20-260 of this article the telecommunications retailer shall submit to the city an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (a) of this section.

(c) Additional city review of applications of holders of state authorization under the Cable and Video Competition Law of 2007. Applications by a utility that is a holder of a state-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted 45 days after submission to the city, unless otherwise acted upon by the city, provided the holder has complied with applicable city codes, ordinances, and regulations.

Sec. 20-262. Effect of permit.

(a) Authority granted; no property right or other interest created. A permit from the city authorizes a permittee to undertake only certain activities in accordance with this article on city rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

(b) Duration. No permit issued under this chapter shall be valid for a period longer than six months unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(c) Pre-construction meeting required. If required by the city, no construction shall begin pursuant to a permit issued under this chapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the city with such city representatives in attendance as the city deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(d) Compliance with all laws required. The issuance of a permit by the city does not excuse the permittee from complying with other requirements of the city and applicable statutes, laws, ordinances, rules, and
Sec. 20-263. Revised permit drawings.

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the city within 90 days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this article, it shall be treated as a request for variance in accordance with section 20-277 of this article. If the city denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

Sec. 20-264. Insurance.

(a) Required coverages and limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the city, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

(1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:

   (i) Five million dollars for bodily injury or death to each person;

   (ii) Five million dollars for property damage resulting from any one accident; and

   (iii) Five million dollars for all other types of liability;

(2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of $1,000,000.00 for personal injury and property damage for each accident;

(3) Worker's compensation with statutory limits; and

(4) Employer's liability insurance with limits of not less than $1,000,000.00 per employee and per accident.
If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this section.

(b) **Excess or umbrella policies.** The coverages required by this section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(c) **Copies required.** The utility shall provide copies of any of the policies required by this section to the city within ten days following receipt of a written request therefor from the city.

(d) **Maintenance and renewal of required coverages.** The insurance policies required by this section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the City, by registered mail or certified mail, return receipt requested, of a written notice addressed to the City Administrator of such intent to cancel or not to renew."

Within ten days after receipt by the city of said notice, and in no event later than ten days prior to said cancellation, the utility shall obtain and furnish to the city evidence of replacement insurance policies meeting the requirements of this section.

(e) **Self-insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (a) of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under subsection (a), or the requirements of subsections (b), (c) and (d) of this section. A utility that elects to self-insure shall provide to the city evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection (a) of this section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(f) **Effect of insurance and self-insurance on utility's liability.** The legal liability of the utility to the city and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(g) **Insurance companies.** All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. [All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.]
Sec. 20-265. Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the city and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this article by the city, its officials, officers, employees, agents or representatives.

Sec. 20-266. Security.

(a) Purpose. The permittee shall establish a security fund in a form and in an amount as set forth in this section. The security fund shall be continuously maintained in accordance with this section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The security fund shall serve as security for:

1. The faithful performance by the permittee of all the requirements of this article;
2. Any expenditure, damage, or loss incurred by the city occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the city issued pursuant to this article; and
3. The payment by permittee of all liens and all damages, claims, costs, or expenses that the city may pay or incur by reason of any action or non-performance by permittee in violation of this article including, without limitation, any damage to public property or restoration work the permittee is required by this article to perform that the city must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the city from the permittee pursuant to this article or any other applicable law.

(b) Form. The permittee shall provide the security fund to the city in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the city, or an unconditional letter of credit in a form acceptable to
the city. Any surety bond or letter of credit provided pursuant to this subsection shall, at a minimum:

(1) Provide that it will not be canceled without prior notice to the city and the permittee;

(2) Not require the consent of the permittee prior to the collection by the city of any amounts covered by it; and

(3) Shall provide a location convenient to the city and within the State of Illinois at which it can be drawn.

(c) Amount. The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the director of public works, and may also include reasonable, directly related costs that the city estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the city, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the director of public works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection (c) for any single phase.

(d) Withdrawals. The city, upon 14 days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this subsection, may withdraw an amount from the security fund, provided that the permittee has not reimbursed the city for such amount within the 14-day notice period. Withdrawals may be made if the permittee:

(1) Fails to make any payment required to be made by the permittee hereunder;

(2) Fails to pay any liens relating to the facilities that are due and unpaid;

(3) Fails to reimburse the city for any damages, claims, costs or expenses which the city has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

(4) Fails to comply with any provision of this article that the city determines can be remedied by an expenditure of an amount in the security fund.

(e) Replenishment. Within 14 days after receipt of written notice from the city that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in
subsection (c) of this section.

(f) Interest. The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the city, upon written request for said withdrawal to the city, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection (c) of this section.

(g) Closing and return of security fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the security fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the city for failure by the permittee to comply with any provisions of this article or other applicable law. In the event of any revocation of the permit, the security fund, and any and all accrued interest therein, shall become the property of the city to the extent necessary to cover any reasonable costs, loss or damage incurred by the city as a result of such revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(h) Rights not limited. The rights reserved to the city with respect to the security fund are in addition to all other rights of the city, whether reserved by this article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the city may have. Notwithstanding the foregoing, the city shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-267. Permit suspension and revocation.

(a) City right to revoke permit. The city may revoke or suspend a permit issued pursuant to this article for one or more of the following reasons:

(1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

(2) Noncompliance with this article;

(3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or

(4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(b) Notice of revocation or suspension. The city shall send written notice of its intent to revoke or suspend a permit issued pursuant to this article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this section 20-267.
(c) Permittee alternatives upon receipt of notice of revocation or suspension. Upon receipt of a written notice of revocation or suspension from the city, the permittee shall have the following options:

1. Immediately provide the city with evidence that no cause exists for the revocation or suspension;
2. Immediately correct, to the satisfaction of the city, the deficiencies stated in the written notice, providing written proof of such correction to the city within five working days after receipt of the written notice of revocation; or
3. Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the city providing written proof of such removal to the city within ten days after receipt of the written notice of revocation.

The city may, in its discretion, for good cause shown, extend the time periods provided in this subsection.

(d) Stop work order. In addition to the issuance of a notice of revocation or suspension, the city may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection (a) of this section.

(e) Failure or refusal of the permittee to comply. If the permittee fails to comply with the provisions of subsection (c) of this section, the city or its designee may, at the option of the city: (1) correct the deficiencies; (2) upon not less than 20 days notice to the permittee, remove the subject facilities or equipment; or (3) after not less than 30 days notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the city. The permittee shall be liable in all events to the city for all costs of removal.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-268. Change of ownership or owner's identity or legal status.

(a) Notification of change. A utility shall notify the city no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this article, with respect to the work and facilities in the right-of-way.

(b) Amended permit. A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the city's right-of-way.
(c) **Insurance and bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

(Ord. No. 10-37, § 2, 10-4-10)

**Sec. 20-269. General construction standards.**

(a) **Standards and principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

1. Standard Specifications for Road and Bridge Construction;
2. Supplemental Specifications and Recurring Special Provisions;
3. Highway Design Manual;
4. Highway Standards Manual;
5. Standard Specifications for Traffic Control Items;
7. Flagger's Handbook; and

(b) **Interpretation of municipal standards and principles.** If a discrepancy exists between or among differing principles and standards required by this article, the director of public works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the director of public works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

(c) **Standards and regulations for small cell antenna or tower.** Personal wireless telecommunication facilities will be permitted to be placed in right-of-way within the jurisdiction of the city as attachments to existing utility poles, alternative antenna structures, or city-owned infrastructure subject to the following regulations, in addition to the regulations, restrictions and processes contained in this article:

1. **Number limitation and co-location.** The city staff as designated may regulate the number of personal wireless
telecommunications facilities allowed on each utility pole or unit of city-owned infrastructure. No more than two personal wireless telecommunications facilities will be permitted on utility poles or alternative antenna structure of 90 feet or less. No more than three personal wireless telecommunications facilities will be permitted on utility poles or alternative antenna structures in excess of 90 feet and less than 120 feet. This section does not preclude or prohibit co-location of personal wireless telecommunication facilities on towers or monopoles that meet the requirements as set forth elsewhere in this section or as required by federal law.

(2) Separation and clearance requirements. Personal wireless telecommunication facilities may be attached to a utility pole, alternative antenna structure, monopole, or city-owned infrastructure only where such pole, structure or infrastructure is located no closer than a distance equal to 100 percent of the height of such facility to any residential building and no closer than 300 feet from any other personal wireless telecommunication facility. A separation or lesser clearance may be allowed by the city administrator or their designee as an administrative variance to this section when the applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity gap in the applicant’s services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so within the right-of-way.

(3) City-owned infrastructure. Personal wireless telecommunication facilities can only be mounted to city-owned infrastructure including, but not limited to, streetlights, traffic signal, towers or buildings, if authorized by a license or other agreement between the owner and the city.

(4) New towers. No new monopole or other tower to support personal wireless telecommunication facilities in excess of 40 feet is permitted to be installed on right-of-way within the jurisdiction of the city unless an increased height limit may be allowed by the city administrator or their designee as an administrative variance to this section when the applicant establishes that the increased height is necessary to close a significant coverage or capacity gap in the applicant’s services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so within the right-of-way.

(5) Attachment limitations. No personal wireless telecommunication antenna or facility within the right-of-way will be attached to a utility pole, alternative antenna structure, tower, or city-owned infrastructure unless all of the following conditions are satisfied:

  a. Surface area of antenna: The personal wireless telecommunication antenna, including antenna
panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than seven cubic feet in volume.

b. **Size of above-ground personal wireless telecommunication facility:** The total combined volume of all above-ground equipment and appurtenances comprising a personal wireless telecommunication facility, exclusive of the antenna itself, cannot exceed 32 cubic feet.

c. **Personal wireless telecommunication equipment:** The operator of a personal wireless telecommunication facility must, whenever possible, locate the base of the equipment or appurtenances at a height of no lower than eight feet above grade.

d. **Personal wireless telecommunication services equipment mounted at grade:** In the event that the operator of a personal wireless telecommunication facility proposes to install a facility where equipment or appurtenances are to be installed at grade, screening must be installed to minimize the visibility of the facility. Screening must be installed at least three feet from the equipment installed at-grade and eight feet from a roadway.

e. **Height:** The top of the highest point of the antenna cannot extend more than seven feet above the highest point of the utility pole, alternative antenna support structure, tower or city-owned infrastructure. If necessary, the replacement or new utility pole, alternative support structure or city-owned infrastructure located within the public right-of-way may be no more than 40 feet. A replacement structure may exceed 40 feet if be allowed by the city administrator or their designee as an administrative variance to this section when the applicant establishes that the height greater than 40 feet is necessary to close a significant coverage or capacity gap in the applicant's services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so within the right-of-way without violating other restrictions within this article.

f. **Color:** A personal wireless telecommunication facility, 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 and use non-reflective materials which blend with the materials and colors of the surrounding area and structures. Any wiring must be covered with an appropriate cover.

g. **Antenna panel covering:** A personal wireless telecommunication antenna may include a
radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering must be of a color that blends with the color of the pol, structure, tower or infrastructure on which it is mounted.

h. **Wiring and cabling:** Wires and cables connecting the antenna to the remainder of the facility must be installed in accordance with the electrical code currently in effect. No wiring and cabling serving the facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.

i. **Grounding:** The personal wireless telecommunication facility must be grounded in accordance with the requirements of the electrical code currently in effect in the city.

j. **Guy wires:** No guy or other support wires will be used in connection with a personal wireless telecommunication facility unless the facility is to be attached to an existing utility pole, alternative antenna support structure, tower or city-owned infrastructure that incorporated guy wires prior to the date that an applicant has applied for a permit.

k. **Pole extensions:** Extensions to utility poles, alternative support structures, towers and city-owned infrastructure utilized for the purpose of connecting a personal wireless telecommunications antenna and its related personal wireless telecommunications equipment must have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the applicable structural integrity standards as set forth in 12 below. An extension must be securely bound to the utility pole, alternative antenna structure, tower or city-owned infrastructure in accordance with applicable engineering standards for the design and attachment of such extensions.

l. **Structural integrity:** The personal wireless telecommunication facility, including the antenna, pole extension and all related equipment must be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA)
for steel wireless support structures and the applicable industry standard for other existing structures. For any facility attached to city-owned infrastructure or, in the discretion of the city, for a utility pole, tower, or alternative antenna structure, the operator of the facility must provide the city with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation must be prepared by a professional structural engineer licensed in the State of Illinois.

(6) **Signage.** Other than signs required by federal law or regulations or identification and location markings, installation of signs on a personal wireless telecommunication facility is prohibited.

(7) **Screening.** If screening is required under subsection (5)d. above, it must be natural landscaping material or a fence subject to the approval of the city and must comply with all regulations of the city. Appropriate landscaping must be located and maintained and must provide the maximum achievable screening, as determined by the city, from view of adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than nine feet in height. Landscape screening when permitted in the right-of-way must be provided with a clearance of three feet in all directions from the facility. The color of housing for ground-mounted equipment must blend with the surroundings. For a covered structure, the maximum reasonably achievable screening must be provided between such facility and the view from adjoining properties and public or private streets. In lieu of the operator installing the screening, the city, at its sole discretion, may accept a fee from the operator of the facility for the acquisition, installation, or maintenance of landscaping material by the city.

(8) **Permission to use utility pole or alternative antenna structure.** The operator of a personal wireless telecommunication facility must submit to the city written copies of the approval from the owner of a utility pole, monopole, or an alternative antenna structure, to mount the personal wireless telecommunication facility on that specific pole, tower, or structure, and a copy of any written agreement for use of a utility pole if any between the applicant and the owner of the structure to document liability and contact information, prior to issuance of the city permit.

(9) **Licenses and permits.** The operator of a personal wireless telecommunication facility must verify to the city that it has received all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility have been obtained and will be maintained within the corporate limits of the city.

(10) **Abandonment and removal.** Any personal
wireless telecommunication facility located within the corporate limits of
the city that is not operated for a continuous period of 12 months, shall
be considered abandoned and the owner of the facility must remove
same within 90 days of receipt of written notice from the city notifying the
owner of such abandonment. Such notice shall be sent by certified or
registered mail, return-receipt-requested, by the city to such owner at the
last known address of such owner. In the case of personal wireless
telecommunication facilities attached to city owned infrastructure, if such
facility is not removed within 90 days of such notice, the city may remove
or cause the removal of such facility through the terms of the applicable
license agreement or through whatever actions are provided by law for
removal and cost recovery.

(Ord. No. 10-37, § 2, 10-4-10; Ord. No. 17-10, § 3, 5-1-17)

Sec. 20-270. Traffic control.

(a) Minimum requirements. The city's minimum requirements
for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic
Control Devices and this Code.

(b) Warning signs, protective devices, and flaggers. The
utility is responsible for providing and installing warning signs, protective devices
and flaggers, when necessary, meeting applicable federal, state, and local
requirements for protection of the public and the utility's workers when
performing any work on the rights-of-way.

(c) Interference with traffic. All work shall be phased so that
there is minimum interference with pedestrian and vehicular traffic.

(d) Notice when access is blocked. At least 48 hours prior to
beginning work that will partially or completely block access to any residence,
business or institution, the utility shall notify the resident, business or institution
of the approximate beginning time and duration of such work; provided,
however, that in cases involving emergency repairs pursuant to section 20-276
of this article, the utility shall provide such notice as is practicable under the
circumstances.

(e) Compliance. The utility shall take immediate action to
correct any deficiencies in traffic protection requirements that are brought to the
utility's attention by the city.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-271. Location of facilities.

(a) General requirements. In addition to location
requirements applicable to specific types of utility facilities, all utility facilities,
regardless of type, shall be subject to the general location requirements of this
subsection.
(1) **No Interference with city facilities.** No utility facilities shall be placed in any location if the director of public works determines that the proposed location will require the relocation or displacement of any of the city's utility facilities or will otherwise interfere with the operation or maintenance of any of the city's utility facilities.

(2) **Minimum interference and impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) **No interference with travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

(4) **No limitations on visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

(5) **Size of utility facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(b) **Parallel facilities located within highways.**

(1) **Overhead parallel facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:

i. Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;

ii. Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of two feet (0.6 m) behind the face of the curb, where available;

iii. Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of four feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;

iv. No pole is located in the ditch line of a highway; and

v. Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

(2) **Underground parallel facilities.** An underground parallel facility may be located within the right-of-way lines of a highway
only if:

i. The facility is located as near the right-of-way line as practicable and not more than eight feet (2.4 m) from and parallel to the right-of-way line;

ii. A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and

iii. In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than five feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(c) Facilities crossing highways.

(1) **No future disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of city highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(2) **Culverts, or drainage facilities.** Crossing facilities shall not be located in culverts, or drainage facilities.

(3) **90-degree crossing required.** Crossing facilities shall cross at or as near to a 90-degree angle to the centerline as practicable.

(4) **Overhead power or communication facility.** An overhead power or communication facility may cross a highway only if:

i. It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);

ii. Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and

iii. Overhead crossings at major intersections are avoided.

(5) **Underground power or communication facility.** An underground power or communication facility may cross a highway only if:
i. The design materials and construction methods will provide maximum maintenance-free service life; and

ii. Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

(6) Markers. The city may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. § 192.707 (1989)).

(d) Facilities to be located within particular rights-of-way. The city may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(e) Freestanding facilities.

(1) The city may restrict the location and size of any freestanding facility located within a right-of-way.

(2) The city may require any freestanding facility located within a right-of-way to be screened from view.

(f) Facilities installed above ground. Above ground facilities may be installed only if:

(1) No other existing facilities in the area are located underground;

(2) New underground installation is not technically feasible; and

(3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(g) Facility attachments to bridges or roadway structures.

(1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure.
Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

(2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

i. The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;

ii. The type, length, value, and relative importance of the highway structure in the transportation system;

iii. The alternative routings available to the utility and their comparative practicability;

iv. The proposed method of attachment;

v. The ability of the structure to bear the increased load of the proposed facility;

vi. The degree of interference with bridge maintenance and painting;

vii. The effect on the visual quality of the structure; and

viii. The public benefit expected from the utility service as compared to the risk involved.

(h) Appearance standards.

(1) The city may prohibit the installation of facilities in particular locations in order to preserve visual quality.

(2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-272. Construction methods and materials.

(a) Standards and requirements for particular types of construction
methods.

(1) Boring or jacking.

i. Pits and shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the director of public works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

ii. Wet boring or jetting. Wet boring or jetting shall not be permitted under the roadway.

iii. Borings with diameters greater than six inches. Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).

iv. Borings with diameters six inches or less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

v. Tree preservation. Any facility located within the drip line of any tree designated by the city to be preserved or protected shall be bored under or around the root system.

(2) Trenching. Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's "Standard Specifications for Road and Bridge Construction."

i. Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the director of public works.

ii. Open trench and excavated material. Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be
allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

iii. Drip line of trees. The utility shall not trench within the drip line of any tree designated by the city to be preserved.

(3) Backfilling.

i. Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction." When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

ii. For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the director of public works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the director of public works.

(4) Pavement cuts. Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph (4) is permitted under section 20-274, the following requirements shall apply:

i. Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the director of public works.

ii. Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the city.

iii. All saw cuts shall be full depth.

iv. For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an
emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) Encasement.

i. Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the city.

ii. The venting, if any, of any encasement shall extend within one foot (0.3 m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

iii. In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or city approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the city. Bell and spigot type pipe shall be encased regardless of installation method.

iv. In the case of gas pipelines of 60 psig or less, encasement may be eliminated.

v. In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided.

vi. If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

(6) Minimum cover of underground facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

<table>
<thead>
<tr>
<th>TYPE OF FACILITY</th>
<th>MINIMUM COVER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electric Lines</td>
<td>30 inches (0.8 m)</td>
</tr>
<tr>
<td>Communication, cable or video</td>
<td>18 to 24 inches (0.6 m, as determined by city)</td>
</tr>
<tr>
<td>Gas or petroleum products</td>
<td>30 inches (0.8 m)</td>
</tr>
<tr>
<td>Water line</td>
<td>Sufficient cover to provide</td>
</tr>
</tbody>
</table>
(b) Standards and requirements for particular types of facilities.

(1) Electric power or communication lines.


ii. Overhead facilities. Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

iii. Underground facilities.

(1) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

(2) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:

(a) The crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation; or

(b) The installation is by the open trench method which is only permitted prior to roadway construction.

(3) Cable shall be grounded in accordance with the National Electrical Safety Code.

iv. Burial of drops. All temporary
service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the city. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within ten business days after placement.

(2) **Underground facilities other than electric power or communication lines.** Underground facilities other than electric power or communication lines may be installed by:

   i. The use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;

   ii. Jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

   iii. Open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

   iv. Tunneling with vented encasement, but only if installation is not possible by other means.

(3) **Gas transmission, distribution and service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a city approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 — Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR § 192), IDOT’s "Standard Specifications for Road and Bridge Construction," and all other applicable laws, rules, and regulations.

(4) **Petroleum products pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

(5) **Waterlines, sanitary sewer lines, storm water sewer lines or drainage lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois."

(6) **Ground mounted appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension
of the mounting pad, or by heavy duty plastic or similar material approved by the director of public works. With the approval of the director of public works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(c) **Materials.**

(1) **General standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standards Specifications for Road and Bridge Construction," the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

(2) **Material storage on right-of-way.** No material shall be stored on the right-of-way without the prior written approval of the director of public works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the city.

(3) **Hazardous materials.** The plans submitted by the utility to the city shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(d) **Operational restrictions.**

(1) Construction operations on rights-of-way may, at the discretion of the city, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

(2) These restrictions may be waived by the director of public works when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the city, the hours of construction are those set forth in section 7-36 of this Code.

(e) **Location of existing facilities.** Any utility proposing to construct facilities in the city shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The city will make its
permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the city or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.)

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-273. Vegetation control.

(a) Electric utilities—Compliance with state laws and regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the city as permitted by law.

(b) Other utilities—Tree trimming permit required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this article.

(1) Application for tree trimming permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) Damage to trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The city will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The city may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(c) Specimen trees or trees of special significance. The city may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(d) Chemical use.

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the city for any purpose, including the control of
growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the director of public works that such spraying is the only practicable method of vegetation control.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-274. Removal, relocation, or modifications of utility facilities.

(a) Notice. Within 90 days following written notice from the city, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any city improvement in or upon, or the operations of the city in or upon, the rights-of-way.

(b) Removal of unauthorized facilities. Within 30 days following written notice from the city, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

(1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;

(2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;

(3) If the facility was constructed or installed without prior issuance of a required permit in violation of this article; or

(4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(c) Emergency removal or relocation of facilities. The city retains the right and privilege to cut or move any facilities located within the rights-of-way of the city, as the city may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(d) Abandonment of facilities. Upon abandonment of a facility within the rights-of-way of the city, the utility shall notify the city within 90 days. Following receipt of such notice the city may direct the utility to remove all or any portion of the facility if the director of public works determines that such removal will be in the best interest of the public health, safety and welfare. In the
event that the city does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the city, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-275. Clean-up and restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the city. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the director of public works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this section may be extended by the director of public works for good cause shown.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-276. Maintenance and emergency maintenance.

(a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the city and at the utility’s expense.

(b) Emergency maintenance procedures. Emergencies may justify non-compliance with normal procedures for securing a permit:

(1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

(2) In an emergency, the utility shall, as soon as possible, notify the director of public works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the city police shall be notified immediately.

(3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.
(c) *Emergency repairs.* The utility must file in writing with the city a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-277. Variances.

(a) *Request for variance.* A utility requesting a variance from one or more of the provisions of this article must do so in writing to the director of public works as a part of the permit application. The request shall identify each provision of this article from which a variance is requested and the reasons why a variance should be granted.

(b) *Authority to grant variances.* The director of public works shall decide whether a variance is authorized for each provision of this article identified in the variance request on an individual basis.

(c) *Conditions for granting of variance.* The director of public works may authorize a variance only if the utility requesting the variance has demonstrated that:

1. One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

2. All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(d) *Additional conditions for granting of a variance.* As a condition for authorizing a variance, the director of public works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this article but which carry out the purposes of this article.

(e) *Right to appeal.* Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the director of public works under the provisions of this chapter shall have the right to appeal to the city council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the city clerk within 30 days after the date of such order, requirement, decision or determination. The city council shall commence its consideration of the appeal at the council’s next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The city council shall timely decide the appeal.

(Ord. No. 10-37, § 2, 10-4-10)
Sec. 20-278. Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the city will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the city’s costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the city. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-279. Enforcement.

Nothing in this article shall be construed as limiting any additional or further remedies that the city may have for enforcement of this article.

(Ord. No. 10-37, § 2, 10-4-10)

Sec. 20-280. Severability.

If any section, subsection, sentence, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(Ord. No. 10-37, § 2, 10-4-10)

Chapter 21 VEGETATION [1](88)

ARTICLE I. IN GENERAL

Sec. 21-1. Definitions.

Sec. 21-2. Interference with city personnel.

Secs. 21-3—21-20. Reserved.

Sec. 21-1. Definitions.

As used in this article, the following terms shall have the meanings set forth in this chapter.

Arboriculture Specifications and Standard of Practice for Macomb, Illinois (hereinafter "arboriculture specifications manual") means a manual prepared by the tree board
pursuant to this article containing regulations and standards for the planting, maintenance and removal of trees upon city-owned property.

City-owned property means property within the corporate limits of the City of Macomb, Illinois and:

1. Owned by the city in fee simple absolute; or
2. Implicitly or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic, or for public easements; or
3. Owned or controlled by the city and other governmental entities for parks, green belt, open space or other public purposes.

Enforcement officer means city administrator or his/her designee.

Insect pests means insects, crustaceans, arachnids, and vermin injurious to plants, plant products, animals and man.

Parkway means that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Person means any individual, firm, corporation, partnership, joint venture, association, society or any unit of government.

Plant diseases means fungi, bacteria, nematodes, protozoans and viruses injurious to plants and plant products and the pathological condition in plants and plant products caused by fungi, bacteria, nematodes, protozoans and viruses.

Property line means the outer edge of a street or highway.

Property owner means the record owner or contract purchaser of any parcel of land.

Public utility company means any person, firm, corporation, partnership or other entity which owns, controls, operates or manages, directly or indirectly, any plant, equipment or property used or to be used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water, light, telephone, telegraph, television, sewerage, natural gas or similar service.

Shrub: a low usually multiple-stemmed woody plant.

Trees means a perennial plant having a woody, self-supporting main stem or trunk, ordinarily growing to a considerable height and usually developing branches at some distances from the ground. This definition is not intended to preclude any species which is traditionally considered to be classified as a tree.

Visibility triangle is the triangular area formed by the intersecting lot lines nearest the street intersection, and a straight line joining said lot lines at points which are 20 feet distant from the point of intersecting lot lines.

(Ord. No. 06-25, § 2, 7-3-06)
Sec. 21-2. Interference with city personnel.

   No person shall unreasonably hinder, prevent, delay or interfere with an officer, agent, servant or employee of the city while engaged in the execution or enforcement of this chapter.

   (Ord. No. 13-31, § 2, 8-5-13)

Secs. 21-3—21-20. Reserved.

ARTICLE II. WEEDS [2][89]

Sec. 21-21. Certain varieties of weeds declared nuisance.

Sec. 21-22. Weeds or grass over certain height declared nuisance.

Sec. 21-23. Certain plantings on or over Parkway declared a nuisance.

Sec. 21-24. Notice to remove weeds or plants.

Sec. 21-25. Abatement by city—Authorized; payment of costs.

Sec. 21-26. Same—Filing of lien.

Sec. 21-27. Same—Foreclosure of lien.

Secs. 21-28—21-40. Reserved.

Sec. 21-21. Certain varieties of weeds declared nuisance.

   Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the city are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

   (Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-22. Weeds or grass over certain height declared nuisance.

   It shall be unlawful for any person to permit any weeds, plants, or grass, other than agricultural crops, trees, bushes, flowers, or other ornamental plants, to grow to a height exceeding six inches on any real property in their possession, control, or ownership including any parkway or right-of-way, developed or undeveloped, adjacent to said property. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

   Exempt from this section are public road ditches of rural-type streets that are adjacent to land used for agricultural crops, or undeveloped woodlands or prairie areas on the perimeters of the community. In such areas, the adjoining property owner must only keep the road ditches free of noxious weeds.

   (Ord. No. 06-25, § 2, 7-3-06; Ord. No. 12-52, § 2, 9-17-12)
Sec. 21-23. Certain plantings on or over Parkway declared a nuisance.

It shall be unlawful for any person to permit trees, shrubs, flowers or ornamental grasses to be located on or over a parkway which by reason of location, height or condition constitutes a danger to health, safety or welfare to the general public.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-24. Notice to remove weeds or plants.

It shall be the duty of the community development coordinator or his/her designated representative to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this article, and to demand abatement of the nuisance within five days. Only one notice shall be required to be served during any growing season as to any property. In addition, the owner or occupant shall be liable for any other charges associated with the abatement, lien filing and foreclosure of lien.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-25. Abatement by city—Authorized; payment of costs.

If the person served a notice pursuant to this article does not abate the nuisance within five days after such notice, the community development coordinator or his/her designated representative may proceed to abate such nuisance, with the owner or occupants to pay the expenses associated with such abatement based upon the following schedule:

<table>
<thead>
<tr>
<th>Mowing Charges</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First mowing:</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum charge</td>
<td>$75.00</td>
</tr>
<tr>
<td>Hourly charge</td>
<td>75.00</td>
</tr>
<tr>
<td><strong>Second and subsequent mowing:</strong></td>
<td></td>
</tr>
<tr>
<td>Minimum charge</td>
<td>$100.00</td>
</tr>
<tr>
<td>Hourly charge</td>
<td>100.00</td>
</tr>
<tr>
<td><strong>Administrative Charges</strong></td>
<td></td>
</tr>
<tr>
<td>Lien preparation</td>
<td>$25.00</td>
</tr>
<tr>
<td>Lien filing/release</td>
<td>The current McDonough County recording fees.</td>
</tr>
</tbody>
</table>

(Ord. No. 06-25, § 2, 7-3-06; Ord. No. 08-31, § 2, 7-7-08)
Sec. 21-26. Same—Filing of lien.

The city shall file notice of lien at the office of the recorder of the county within 60 days after the cost and expense is incurred by the city for expenses incurred pursuant to section 21-25.

(Ord. No. 06-25, § 2, 7-3-06)

Weed cutting lien generally, 65 ILCS 5/11-20-7.

Sec. 21-27. Same—Foreclosure of lien.

Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment of the charges, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosures shall be by complaint in the name of the city. The city attorney is hereby authorized and directed to institute such proceedings, in the name of the city, in any court having jurisdiction over such matters, against any property for which a bill for weed cutting has remained unpaid 60 days after it has been rendered.

(Ord. No. 06-25, § 2, 7-3-06)

Secs. 21-28—21-40. Reserved.

ARTICLE III. TREES

Sec. 21-41. Short title.

Sec. 21-42. Purpose and intent.

Sec. 21-43. Reserved.

Sec. 21-44. Tree board; establishment; composition; appointment of members; duties.

Sec. 21-45. Enforcement.

Sec. 21-46. Permits.

Sec. 21-47. Abuse, mutilation or injury.

Sec. 21-48. Public nuisances.

Sec. 21-49. Interference with city personnel.

Sec. 21-50. Violation and penalty.

Sec. 21-41. Short title.

This article shall be known and may be cited as the Macomb Tree Ordinances of 2006.

(Ord. No. 06-25, § 2, 7-3-06)
Sec. 21-42. Purpose and intent.

(a) Purpose. It is the purpose of this article to promote and protect the public health, safety and welfare by providing for the regulation of the planting, maintenance and removal of trees within the city.

(b) Intent. It is the intent of the city council that the terms of this article shall be construed so as to promote:

1. The planting, maintenance and retention, of desirable trees and the removal of undesirable trees within the city; and
2. The protection of community residents from personal injury and property damage, and the protection of the city from property damage caused or threatened by the improper planting, maintenance, or removal of trees located within the community, and
3. The establishment of a tree authority for the purpose of fulfilling the above.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-43. Reserved.

Sec. 21-44. Tree board; establishment; composition; appointment of members; duties.

(a) Establishment. The Macomb Tree Board (hereinafter "tree board") is hereby established. Its functions and duties are limited to those set forth in this article.

(b) Composition. The tree board shall consist of a minimum of five members who shall all be residents and citizens of the city. All members of the tree board shall be appointed by the mayor with the advice and consent of the city council. Members of the tree board shall serve without compensation.

(c) Appointment of members. One of the five members initially appointed to the tree board shall serve for a term of one year; two of the five members initially appointed shall serve for a term of three years. The mayor shall designate the initial term of each member at the time of his/her appointment. Thereafter the members of the tree board shall be appointed for a three-year term. Terms shall start on a common date. The mayor shall designate the chairperson of the tree board. Members shall be eligible to succeed themselves.

(d) Expiration or vacation of term. Within 30 days following the expiration of the term of any member, a successor shall be appointed by the mayor with the advice and consent of the city council. Should a vacancy occur in any position on the tree board, a successor shall be appointed by the mayor with the advice and consent of the city council. A member of the tree board may be removed by the mayor with the approval of the city council.
Duties. The tree board shall perform the following duties:

1. Within a reasonable time after the appointment of the tree board, upon call of its chairperson, the tree board shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it under this article.

2. The tree board shall advise the city council on any matters pertaining to this article and its enforcement. The tree board shall be responsible for making recommendations to the city council for all city regulations concerning trees, including but not limited to the following:
   a. Development, alteration and revision of the arboriculture specifications manual; and
   b. Development, alteration and revision of an urban forestry plan for the city; and
   c. Recommendation for amendments to this article and for enactment of additional ordinances concerning trees; and
   d. Establishment of policy concerning selection, planting, maintenance and removal of trees and
   e. Establishment of educational and informational programs.

3. The tree board, upon request of any person who disagrees with the decision of the enforcement officer, shall hear all issues of the disputes, which arise between the enforcement officer and any such person. Whenever these issues involve matters of the interpretation or enforcement of the arboriculture specifications manual, the Urban Forestry Plan, or of the interpretation or enforcement of this article, including disputes regarding the issues of permits, or the concurrence or nonconcurrence of the enforcement officer in permits required under other ordinances or laws, or the abatement of nuisances, the decision of a majority of the members of the tree board shall be binding on the enforcement officer. Nothing in this section shall be construed to limit the jurisdiction of any court with respect to such disputes.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-45. Enforcement.

(a) Designation of enforcement officer. The administration and enforcement of this article shall be conducted by the enforcement officer.

(b) Duties.
(1) The enforcement officer shall make available to any interested person copies of this article, information about the activities of the tree board, copies of the arboricultural specifications manual, and copies of the Urban Forestry Plan.

(2) The enforcement officer shall administer this article, the arboricultural specifications manual, and the Urban Forestry Plan.

(3) The enforcement officer shall issue such permits as are required by this article and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this article, the Urban Forestry Plan, and the regulations and standards of the arboriculture specifications manual. The enforcement officer shall have the right to inspect all work performed pursuant to such permits. If the enforcement officer finds that the work performed is not in accordance with the requirements of this article, the Urban Forestry Plan, or the regulations of the arboriculture specifications manual, the enforcement officer shall provide written notice of its findings to the permit applicant. After delivery of such notice, the enforcement officer may:

   a. Declare the permit null and void;

   and

   b. Issue a written order that the permit applicant cease and desist all work for which the permit was required; and

   c. Apply to a court of competent jurisdiction for a penalty as prescribed by this article; and

   d. Take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the permit applicant.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-46. Permits.

(a) Scope of requirements. No person, except the enforcement officer, or other authorized city employee, a contractor hired by the city, or a public utility company and their authorized agents and contractors may perform any of the following acts without first obtaining from the enforcement officer a permit for which no fee shall be charged, and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

(1) Plant on city-owned property, or treat, prune, remove, or otherwise disturb any tree located on city-owned property,
except that this provision shall not be construed to prohibit owners of property adjacent to city-owned property from watering or fertilizing without a permit any tree located on such city-owned property;

(2) Trim, prune, or remove any tree or portion thereof if such tree or portions thereof reasonably may be expected to fall on city-owned property thereby to cause damage to persons or property;

(3) Place on city-owned property, either above or below ground level, a container for trees.

(b) Issuance. Within seven days of receipt of a permit application, the enforcement officer shall issue a permit to perform (within 30 days of the day of issuance), any of the acts specified in subsections (a) and (b) of this section, for which a permit is required. A permit is required whenever:

(1) Such acts would result in the abatement of a public nuisance; or

(2) Such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with the regulations or standards of the arboriculture specifications manual; and whenever

(3) An application has been signed by the applicant and submitted to the enforcement officer detailing the location, size, number, and species of trees that will be affected by such acts, setting forth the purpose of such acts and the methods to be used and presenting any additionally information that the enforcement officer may find reasonably necessary;

(4) The applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this article, the Urban Forestry Plan and the regulations and standards set forth in the arboriculture specifications manual; and

(5) The applicant certifies that he or she has read and understands those provisions of this article, the Urban Forestry Plan and the arboriculture specifications manual which are pertinent to the work for which the permit is sought; and

(6) If the work for which a permit is issued entails the felling of any tree or part thereof, located on private property, which as a result of such felling reasonably may be expected to fall upon city-owned property, and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the city harmless from all damages resulting from work conducted pursuant to the permit and shall deposit with the city clerk a liability insurance policy in the amount of $100,000.00 per person, $300,000.00 per accident for bodily injury and $50,000.00 aggregate for property damage liability or in the total amount
of $500,000.00 if such policy provides single limit coverage which policy shall name the city as an additional insured.

(c) **Public utility companies.** Public utility companies, shall notify the enforcement officer prior to the initiation of pruning cycles which will involve trees located on city-owned property for the purpose of maintaining safe line clearance. The notice shall state the estimated timeframe of the pruning cycle as well as the planned locations in the city where the work will be performed. All pruning work shall be carried out in accordance with accepted arboriculture standards. Public utility companies shall also notify the enforcement officer prior to the installation or maintenance of underground utilities if such activity will occur within the dripline of trees located on city-owned property. In the case of severe storms, natural disasters or other emergency situations, a public utility company may perform any required pruning or underground utility maintenance necessitated by such situation and thereafter notify the enforcement officer of the work performed.

(Ord. No. 06-25, § 2, 7-3-06)

**Sec. 21-47. Abuse, mutilation or injury.**

No person, without lawful authority, shall willfully injure, deface, disfigure, cut, care, transplant, remove, destroy, attach any rope, wire, nail, advertising posters, election posters or other contrivance to any tree, allow any gaseous, liquid, chemical or solid substance which is harmful to such tree to come in contact with it; set fire to, or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree located on city-owned property; or cause reasonably avoidable damage to the root system by excavation, trenching, or tunneling.

(Ord. No. 06-25, § 2, 7-3-06)

**Sec. 21-48. Public nuisances.**

(a) **[Public nuisances.]** The following are hereby declared public nuisances under this article:

1. Any dead or near dead tree, whether located on city-owned property or on private property.

2. Any otherwise healthy tree whether located on city-owned property or on private property which harbors insect pests or plant diseases which reasonably may be expected to injure or harm any tree.

3. Any tree or portion thereof whether located on city-owned property or on private property which by reason of location or condition constitutes an imminent danger to the health, safety, or welfare of the general public.

4. a. Any tree or portion thereof whether located on city-owned property or on private property which
obstructs the free passage of pedestrians or vehicular traffic or which obstructs a street light or traffic control device;

b. All large established trees shall be pruned to the following height to allow free passage of pedestrians and vehicular traffic: At least seven feet over sidewalks and a minimum clearance of 14 feet over all streets.

(5) Any tree or portion thereof whether located on city-owned property or on private property which obstructs the view at an intersection in the "visibility triangle"

(b) Right to inspect. The officers, agents, servants, and employees of the city have the authority to enter upon private property whereon there is located a tree that is suspected to be a public nuisance.

(c) Abatement. The following are the prescribed means of abating public nuisances under this article:

(1) Any public nuisance under this article which is located on city-owned property shall be pruned, removed, or otherwise treated in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

(2) Any public nuisance under this article which is located on private property shall be pruned, removed, or otherwise treated by the property owner or his agent in whatever fashion is required to cause abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:

a. The enforcement officer shall cause written notice to be personally served or sent by certified mail to the person to whom was sent the tax bill for the general taxes for the last preceding year;

b. Such notice shall designate the kind of tree, which has been declared to be a public nuisance, its location on the property, the reason for declaring it a nuisance;

c. Such notice shall describe by legal description or by street address of the premises;

d. Such notice shall state the actions that the property owner may undertake to abate the nuisance;

e. Such notice shall require the elimination of the nuisance no less than 30 days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year;

f. Such notice shall reference
In the event that the nuisance is not abated by the date specified in the notice, the enforcement officer is authorized to cause abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the property owner is subject to prosecution under section 21-50 of the Municipal Code of Macomb, Illinois. Nothing in this provision shall be construed to exempt any person from the requirements of section 21-46 of the Municipal Code of Macomb, Illinois."

(3) The enforcement officer is empowered to seek from any court of competent jurisdiction an order directing immediate abatement of any public nuisance.

(4) Without going to court, the enforcement officer is empowered to cause immediate abatement of any public nuisance provided that the nuisance is determined by the enforcement officer to be an immediate threat to any person or property.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-49. Interference with city personnel.

No person shall unreasonably hinder, prevent, delay or interfere with an officer, agent, servant or employee of the city while engaged in the execution or enforcement of this article.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-50. Violation and penalty.

Any person who violates any provision of this article or who fails to comply with any notice issued pursuant to this article, upon being found guilty of violation, shall be subject to a fine of not less than $25.00 nor more than $750.00 for each separate offense, each day during which any violation of the provisions of this article shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this article, the injury, mutilation, or death of a tree located on city-owned property is caused, the cost of repair or replacement of such tree shall be borne by the party in violation.

(Ord. No. 06-25, § 2, 7-3-06)

ARTICLE IV. TREE TRIMMING AND REMOVAL

Sec. 21-51. Tree trimming and removal.

Sec. 21-52. Required; fee.

Sec. 21-53. Term.

Sec. 21-54. Liability insurance.
Sec. 21-51. Tree trimming and removal.

No person shall fell, cut or trim any tree for hire in Macomb, or engage in the business of so doing without registering. This shall apply only to the felling, cutting or trimming of trees, limbs and branches which are four inches or more in diameter at the point of cutting or severance.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-52. Required; fee.

Any person desiring to engage in the business of tree trimming and removal (as defined above) shall first register his/her name, his/her residence and his/her place of business with the building inspector and pay a registration fee of $20.00. Those who are currently registered as a building contractor under chapter 7, article II, division 2 of this Code shall not be required to register or pay a registration fee.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-53. Term.

The registration required by this division shall be valid for a period of one year unless sooner revoked as provided in this division.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-54. Liability insurance.

No person shall be allowed to register under the terms of this division unless he shall deposit with the building inspector evidence of liability insurance issued to him for the full period of registration, such insurance to be in the amount of $50,000.00 for property damage, $100,000.00 for personal injury to one person and $300,000.00 for personal injury to more than one person, or, in lieu thereof, bodily injury and property damage combined, $300,000.00 each occurrence, $300,000.00 aggregate.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-55. Revocation.

Any person violating the provisions of this article may have his certificate of registration revoked for not more than one year. Such action may be taken by the tree board, upon recommendation by the building inspector and after a hearing thereon.

(Ord. No. 06-25, § 2, 7-3-06)

ARTICLE V. SHRUBS
Sec. 21-56. Enforcement.

The administration and enforcement of this section shall be conducted by the enforcement officer.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-57. Permits

(a) Scope of requirements. No person, except the enforcement officer, or other authorized city employee, a contractor hired by the city, or a public utility company and their authorized agents and contractors may perform any of the following acts without first obtaining from the enforcement officer a permit for which no fee shall be charged, and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

(1) Plant on city-owned property, or treat, prune, remove, or otherwise disturb any shrub located on city-owned property, except that this provision shall not be construed to prohibit owners of property adjacent to city-owned property from watering or fertilizing without a permit any shrub located on such city-owned property;

(2) Trim, prune, or remove any shrub or portion thereof if such shrub or portions thereof reasonably may be expected to fall on city-owned property thereby to cause damage to persons or property;

(3) Place on city-owned property, either above or below ground level, a container for shrubs.

(b) Issuance. Within seven days of receipt of a permit application, the enforcement officer shall issue a permit to perform (within 30 days of the day of issuance), any of the acts specified in subsections (a) and (b) of this section, for which a permit is required. A permit is required whenever:

(1) Such acts would result in the abatement of a public nuisance; or

(2) An application has been signed by the applicant and submitted to the enforcement officer detailing the location, size,
number, and species of shrubs that will be affected by such acts, setting forth the purpose of such acts and the methods to be used and presenting any additionally information that the enforcement officer may find reasonably necessary;

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-58. Public nuisances.

(a) [Public nuisances.] The following are hereby declared public nuisances under this article:

1. Any dead or near dead shrub, whether located on city-owned property or on private property.

2. Any otherwise healthy shrub whether located on city-owned property or on private property which harbors insect pests or plant diseases which reasonably may be expected to injure or harm any tree.

3. Any shrub or portion thereof whether located on city-owned property or on private property which by reason of location or condition constitutes an imminent danger to the health, safety, or welfare of the general public.

4. Any shrub or portion thereof whether located on city-owned property or on private property which obstructs the free passage of pedestrians or vehicular traffic or which obstructs a street light or traffic control device;

5. Any shrub or portion thereof whether located on city-owned property or on private property which obstructs the view at an intersection in the “visibility triangle”.

(b) Right to inspect. The officers, agents, servants, and employees of the city have the authority to enter upon private property whereon there is located a shrub that is suspected to be a public nuisance.

(c) Abatement. The following are the prescribed means of abating public nuisances under this article:

1. Any public nuisance under this article which is located on city-owned property shall be pruned, removed, or otherwise treated in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.

2. Any public nuisance under this article which is located on private property shall be pruned, removed, or otherwise treated by the property owner or his agent in whatever fashion is required to cause abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied:
a. The enforcement officer shall cause written notice to be personally served or sent by certified mail to the person to whom was sent the tax bill for the general taxes for the last preceding year;

b. Such notice shall designate that a shrub, which has been declared to be a public nuisance, its location on the property, the reason for declaring it a nuisance;

c. Such notice shall describe by legal description or by street the premises;

d. Such notice shall state the actions that the property owner may undertake to abate the nuisance;

e. Such notice shall require the elimination of the nuisance no less than ten days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year;

f. Such notice shall state in bold type as follows:

"In the event that the nuisance is not abated by the date specified in the notice, the enforcement officer is authorized to cause abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the property owner is subject to prosecution under section 21-50 of the Municipal Code of Macomb, Illinois. Nothing in this provision shall be construed to exempt any person from the requirements of section 21-46 of the Municipal Code of Macomb, Illinois."

(3) The enforcement officer is empowered to seek from any court of competent jurisdiction an order directing immediate abatement of any public nuisance.

(4) Without going to court, the enforcement officer is empowered to cause immediate abatement of any public nuisance provided that the nuisance is determined by the enforcement officer to be an immediate threat to any person or property.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-59. Interference with city personnel.

No person shall unreasonably hinder, prevent, delay or interfere with an officer, agent, servant or employee of the city while engaged in the execution or enforcement of this article.

(Ord. No. 06-25, § 2, 7-3-06)

Sec. 21-60. Violation and penalty.
Any person who violates any provision of this article or who fails to comply with any notice issued pursuant to this article, upon being found guilty of violation, shall be subject to a fine of not less than $25.00 nor more than $750.00 for each separate offense, each day during which any violation of the provisions of this article shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this article, the injury, mutilation, or death of a shrub located on city-owned property is caused, the cost of repair or replacement of such shrub shall be borne by the party in violation.

(Ord. No. 06-25, § 2, 7-3-06)

Chapter 22  VEHICLES FOR HIRE [1](90)

ARTICLE I. IN GENERAL
Secs. 22-1—22-20. Reserved.

Secs. 22-1—22-20. Reserved.

ARTICLE II. TAXICABS [2](91)

DIVISION 1. GENERALLY
Sec. 22-21. Taxicab stands.
Sec. 22-22. Liability insurance.
Sec. 22-23. Vehicle equipment.
Sec. 22-24. Vehicle inspections.
Secs. 22-25—22-40. Reserved.

Sec. 22-21. Taxicab stands.

Any location on a public street designated as such by the city council is hereby designated as a taxicab stand. Each taxicab stand shall be appropriately marked by signs erected under the supervision of the chief of police. It shall be unlawful to park any vehicle other than a licensed taxicab in any cabstand.

(Code 1972, § 24-16)

Sec. 22-22. Liability insurance.

No taxicab shall be operated in the city unless it is covered by a bond or public liability policy as required by statute.

(Code 1972, § 24-17)
Sec. 22-23. Vehicle equipment.

(a) All taxicabs operated in the city shall have affixed upon it a valid state license plate duly issued under the Illinois Vehicle Code.

(b) In addition to a properly functioning air conditioner and heater, all taxicabs shall be operated, at a minimum, with the following equipment functioning to the standards established by the Illinois Vehicle Code:

1. Brakes;
2. Lights;
3. Tires;
4. Horn;
5. Muffler;
6. Rear vision mirror;
7. Two windshield wipers;
8. Safety seat belts.

(c) While in operation, every taxicab shall be kept in a neat, clean, sanitary condition and the interior shall be clean and free of foreign material or substance.

(Code 1972, § 24-18; Ord. No. 13-41, § 2, 10-21-13)

Sec. 22-24. Vehicle inspections.

(a) It shall be the duty of the owner of each taxicab licensed under this article to provide to the city once every 12 months, a current certificate or statement for each vehicle licensed, which is signed by an ASE certified automotive mechanic, that the vehicle has been inspected and determined to be in a safe operating condition.

(b) It shall be the duty of the chief of police of the city, or a person appointed by him, to inspect each taxicab licensed under this article so often as may be necessary to see to the enforcement of the provisions of this article.

(Code 1972, § 24-19; Ord. No. 13-41, § 3, 10-21-13)

Secs. 22-25—22-40. Reserved.

DIVISION 2. LICENSE [3](92)

Sec. 22-41. Required.
Sec. 22-41. Required.

It shall be unlawful for any person to engage in the taxicab business in this city whereby one or more taxicabs or motor vehicles are held out to the public for conveyance of passengers for hire, indiscriminately accepting and discharging such persons as may offer themselves for transportation in the territory in which such vehicle is operated, without first having obtained a license therefor.

(Code 1972, § 24-25)

Sec. 22-42. Qualifications of applicants.

Each applicant for a taxicab license, or the president or manager of the corporation, if it be one, and those who drive the taxicabs, must be of good character and have good driving habits.

(Code 1972, § 24-26)

Sec. 22-43. Fee.

The annual fee for a license required by this division shall be $10.00 for each taxicab.

(Code 1972, § 24-27)

Sec. 22-44. State license required.

No taxicab shall be operated unless it bears a duly issued state license.

(Code 1972, § 24-28)

Sec. 22-45. Identification of vehicles.

Each taxicab, while operated in the city, shall have on each side, in letters readable from a distance of 20 feet, the name of the licensee operating it. If more than one cab is operated by the licensee, each cab shall be designated by a different number, and each such number also shall so appear on each side of such cab.

(Code 1972, § 24-29)
Sec. 22-46. Revocation.

(a) If the city council at any time shall find that a person licensed under this division or any of the licensee’s drivers are not safe and responsible persons to engage in the taxicab business or drive taxicabs, the license provided for in this division may be revoked by the city council.

(b) The mayor may revoke any taxicab license for repeated violations of traffic laws or ordinances, or of any ordinance provisions regulating the conduct of such drivers.

(Code 1972, § 24-30)

Secs. 22-47—22-60. Reserved.

DIVISION 3. DRIVERS

Sec. 22-61. License required; display of license; fee.

Sec. 22-62. Offensive conduct.

Sec. 22-63. Obedience to traffic rules.

Sec. 22-64. Duty to accept passengers.

Sec. 22-65. Duty to use most direct route.

Sec. 22-61. License required; display of license; fee.

(a) No person shall drive a taxicab or be hired or permitted to do so until issued a license for such purpose from the city clerk’s office.

(b) Each license so issued to a person to drive a taxicab shall have a picture of the licensed individual on the license, and the license shall be prominently displayed in the taxicab.

(c) A fee of $5.00 will be charged for the licensing of each driver, the fee to be paid to the city clerk’s office when the license is issued.

(Code 1972, § 24-36)

Sec. 22-62. Offensive conduct.

It shall be unlawful for any driver of a taxicab, while on duty, to drink any alcoholic beverages, or to use any profane or obscene language, or to shout or call to prospective passengers, or to disturb the peace in any way.

(Code 1972, § 24-37)

Sec. 22-63. Obedience to traffic rules.
It shall be the duty of every driver of a taxicab to obey all traffic rules established by statute or ordinance.

(Code 1972, § 24-38)

Sec. 22-64. Duty to accept passengers.

It shall be the duty of the driver of any taxicab to accept as a passenger any person who seeks to so use the taxicab, provided such person is not intoxicated and conducts himself in an orderly manner. No person shall be admitted to a taxicab occupied by a passenger without the consent of the passenger.

(Code 1972, § 24-39)

Sec. 22-65. Duty to use most direct route.

The driver of each taxicab shall take his passenger to his destination by the most direct available route from the place where the passenger enters the cab.

(Code 1972, § 24-40)

Chapter 23 WATER [1][93]

ARTICLE I. IN GENERAL

Sec. 23-1. Only authorized persons to turn on water.

Sec. 23-2. Application for water service; connection permit.

Sec. 23-3. Registration of applicants for service; payment of accounts; report of delinquent bills.

Sec. 23-4. Provisions of chapter to be parts of contract with users; authority to disconnect service.

Sec. 23-5. Claims against city; rights of the city.

Sec. 23-6. Interfering with fire hydrants and valves.

Sec. 23-7. Devices for obtaining water to be inside property line; exception.

Sec. 23-8. Users outside the city limits.

Sec. 23-9. Use of lines for grounding of electrical service.

Sec. 23-10. Use of groundwater as a potable or domestic supply of water.

Sec. 23-11. Illinois Environmental Protection Agency inspections.

Sec. 23-12. System for handling revenues and accounts.

Sec. 23-1. Only authorized persons to turn on water.

No water from the municipal water supply shall be turned on for service into any premises by any person other than the public works director or his designee, with the exception that plumbers can turn off and turn on water for repairs only. If any damage is done to city apparatus in the process, the working plumber will be responsible for repair costs.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-2. Application for water service; connection permit.

(a) Parties desiring to use the municipal water supply must make application upon the forms provided by the city. All municipal water users are bound by the provisions of this chapter. Upon approval, a permit shall be issued to a licensed plumber. A separate permit must be issued for each service connection and each building, residence, etc., and also for each branch connection when more than one connection is made by one service pipe.

(b) No permits may be issued for the extension, alteration or connection of water mains, service lines and pipes for property lying outside the corporate limits without approval of the mayor and city council. Upon approval, plans and specifications shall be submitted and approved as required.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-3. Registration of applicants for service; payment of accounts; report of delinquent bills.

The business office shall register all applications for the supply of water and keep a full and accurate account for each water user. All amounts due for water rent shall be payable at the business office.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-4. Provisions of chapter to be parts of contract with users; authority to disconnect service.

The provisions of this chapter, as they now exist or may be hereafter altered or modified, shall be considered a part of the contract with every person that is supplied with water through the water system of this city, and every such person by taking water, shall be considered to express his consent to be bound thereby. Whenever the provisions of this chapter or those of any other ordinance which may be hereafter enacted are violated, the water shall be cut off from the building or place of such violation, although two or more parties may receive water through the same pipe, and the guilty person of such violation shall be subject to the penalty provided for in section 1-8.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-5. Claims against city; rights of the city.
No claims shall be allowed against the city on account of interruption of the water supply caused by the breaking of pipe or machinery or by stoppage of repairs, or on account of fire or other emergency; and no claim shall be allowed for any damages caused by the breaking of any pipe or equipment. The city reserves the right to shut off the water without notice to make repairs, and the city reserves the right to make regulations and rates for the use of water. The city will not be responsible for accidents resulting from insecure boilers or from variation or from collapse of any water fixture from any cause whatsoever.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-6. Interfering with fire hydrants and valves.

No person except a qualified regular employee or official of the public works department, or fire department of the city shall open, close, take water from, or in any way interfere with, any fire hydrant or valve belonging to the city without first having received a city permit to do so.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Fire prevention and protection, ch. 10.

Sec. 23-7. Devices for obtaining water to be inside property line; exception.

Hydrants, faucets or any other device which the consumer may adopt for obtaining water from the service pipes, except on business property, must be inside the property line.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-8. Users outside the city limits.

Water services may be furnished by the city to property lying outside the corporate limits of the city if such property is not contiguous to the city so that it could be lawfully annexed to the city; provided that, whenever such property or any portion thereof becomes contiguous to the city so that if could be annexed to the city, such water service shall be discontinued by the city unless the property is annexed to the city, and provided further that the service shall receive the approval of the mayor and city council.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-9. Use of lines for grounding of electrical service.

No person shall use the municipal water supply lines or service lines connected thereto for any form of electrical grounding.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Electrical code, § 7-111 et seq.

Sec. 23-10. Use of groundwater as a potable or domestic supply of water.
The use of groundwater as a potable or domestic supply of water is forbidden within the city limits. No new potable supply wells will be allowed.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-11. Illinois Environmental Protection Agency inspections.

(a) The Illinois Environmental Protection Agency shall have access at all reasonable times to water department facilities for the purpose of inspecting, examining, and testing the consumption, use and flow of water.

(b) The Illinois Environmental Protection Agency shall have access to any books, records and accounts of the city, which are applicable to water department, for the purposes of insuring compliance with the terms of the Illinois Environmental Protection Agency loan.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-12. System for handling revenues and accounts.

(a) All revenues and monies derived from the operation of the water department shall be deposited into the waterworks fund. All such revenues and monies shall be held separate and apart from all other funds of the city. The segregation and deposit of water department revenue into the separate waterworks fund shall be made by the business office not more than ten days after receipt.

(b) The business office shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water department. The business office shall create and establish separate accounts of the waterworks fund, to be designated severally the city's (1) "Construction Account," (2) "Operation and Maintenance Account," (3) "Bond and Interest Account (EPA/SRL#L17-2199 Project)," (4) "Debt Service Account," (5) "Bond Reserve Account (EPA/SRL #L17-2199 Project) (herein the "Bond Reserve Account")," and (6) "Depreciation Account." These separate accounts of the waterworks fund shall be funded monthly by paying into such account, the amounts determined by the city ordinance authorizing the loan agreement, being City Ordinance No. 2920.

(c) At regular annual intervals, the business office shall cause an audit to be made by an independent auditing concern of the books and records to show the receipts and disbursements of the water department. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water department, including a replacement cost. The financial information to be shown in the audit report shall include the following:

(1) Flow data showing total gallons received at the water plant for the current fiscal year (raw and finished).

ARTICLE II. WATER DEPARTMENT [2](94)

Sec. 23-21. Created; composition.

There is hereby created a water department, an executive department of the city. The water department shall consist of the superintendent of water and such other officers and employees as may be assigned to it by the city council.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-22. Superintendent of water.

The superintendent of water shall be a city employee and shall report to the director of public works.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-23. Duties of superintendent of water—Generally.

The superintendent of water shall have charge of the waterworks plant at Glenwood Park, the pumping station at Spring Lake and the water mains, standpipes, hydrants, and other fixtures which are part of the waterworks system of the city, and he shall see that the waterworks and fixtures are kept in proper working order to furnish an adequate
supply of water to the city. In these matters, he shall be subject to the control of the director of public works.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-24. Same—Test and reports.

It shall be the duty of the water superintendent to make such tests of the water supply and to submit such reports as may be required by the Illinois Environmental Protection Agency.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-25. Same—Receiving and filing of applications for water use.

The business office shall receive all applications for the supply of water. The city will not open an account in any name if it has reason to believe that a person who has an uncollected balance will be living at that address.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-26. Same—Supervision of work of department.

It shall be the duty of the responsible operator in charge to direct the laying of all water pipes in the streets, alleys and public grounds of the city and the making of all connections with the water pipes or mains for private consumers or public use.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-27. Right of entry.

The superintendent of water, the meter reader and any other assistants shall have the right to enter and have free access at all reasonable hours to all premises to examine meters and ascertain the location of all hydrants, pipes, meters or other fixtures attached to the waterworks system, and in case such person finds that water is wasted on account of negligence or for want of repairs, if such waste is not immediately remedied after due notice is given, the service leading to such premises shall be shut off.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)


ARTICLE III. SERVICE PIPES AND CONNECTIONS [3][95]

Sec. 23-41. Supervision of installation.

Sec. 23-42. Responsibility for installation.

Sec. 23-43. Depth of service pipes.

Sec. 23-44. Tapping mains.
Sec. 23-45. Responsibility for maintenance and repairs.

Sec. 23-46. Location of service pipes.

Sec. 23-47. Billing when single curb stop serves two or more separate premises.

Sec. 23-48. Extensions.

Sec. 23-49. Duty of owners to keep pipes and fixtures in good repair.

Sec. 23-50. Specifications for service pipes.

Sec. 23-51. Excavations.

Sec. 23-52. Inspection.

Sec. 23-53. Duties of plumbers.

Sec. 23-54. Prohibited location of curb stops and meter pits.

Sec. 23-55. Cross-connection control ordinance adopted.

Secs. 23-56—23-70. Reserved.

Sec. 23-41. Supervision of installation.

Installation of service pipes shall be made under the supervision of the responsible operator in charge.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-42. Responsibility for installation.

All service pipes from the stops to the premises to be served shall be installed by and at the expense of the owner of the property to be served or the applicant for the service.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-43. Depth of service pipes.

All service pipes shall be laid at least four feet below the surface of the ground.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-44. Tapping mains.

(a) The city shall tap the water mains, inserting a stopcock, which shall be known as a corporation cock, and to it the plumber shall connect the service pipe and lay the service pipe in a straight line to the inside of the curbline, and there set a stopcock with round waterway, which shall be known as curbstops. For each and every tap or connection with the main and every curbstop, a charge of actual cost shall be made, which must be paid to the
business office when application is made provided, however, that in the case of taps for connections servicing property used for commercial purposes the actual cost thereof shall be deemed to be as designated in the city fee schedule.

(b) In the event the city imposes a special assessment connection fee in a particular geographic area, pursuant to council resolution, that fee, as designated in the city fee schedule will be charged instead of the usual tapping fee.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-45. Responsibility for maintenance and repairs.

(a) After inspection by the public works director or his designee, the water department will keep the section of water service between the corporation cock and the curb cock in good repair, this part of the service being on the city property and being installed and inspected according to this chapter.

(b) When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the city may do so and assess the costs thereof to the property.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-46. Location of service pipes.

Along streets where water mains are laid, service pipes shall not be allowed to run across lots, that is from one lot to another, but must be taken from the main in front of the premises or some point in the street adjacent to the premises except by special permit from the public work director or his designee. Not more than one house, building, and accessory structure shall be supplied from one tap except by special permission of the public works director or his designee.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-47. Billing when single curb stop serves two or more separate premises.

A single curb stop will not be allowed to serve more than one service. When service pipes are intended to serve two or more distinct existing premises or tenements, and where only one curbstop is used, the person controlling the curbstop must pay the water rent of all the parties who are thus supplied.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-48. Extensions.

Special application must be made and permission obtained from the public works director or his designee for making any extension to the plumbing of any house, residence or place beyond that for which permission may have already been granted.
Sec. 23-49. Duty of owners to keep pipes and fixtures in good repair.

Property owners must keep their service pipes and all connected fixtures in good repair and protected from frost at their own expense, and must prevent all unnecessary waste; if they fail to do so, the public works director or his designee may shut off the water to the premises.

Sec. 23-50. Specifications for service pipes.

(a) All service pipes extending from the corporation stop to the curbstop shall be of copper and shall be type K, with the inside diameter conforming to standard iron pipe dimensions but not smaller than a three-quarter-inch inside diameter, and shall in each case be connected with flared compression or brass connections if the service pipe is underground.

(b) All service pipes extending from the curbstop to the water meter shall be type K copper or PVC class 160 and approved by the water distribution superintendent; such pipes shall have an inside diameter conforming to standard iron pipe dimensions but not smaller than three-quarter-inch inside diameter, and shall in each case, if underground, copper with flared joints; plastic by use of brass compression fittings and stainless steel liners as specified by the water distribution superintendent and including 14-gauge copper detection wire attached thereto and extending through the foundation of the adjoining structure and attached to the inside water shutoff.

Sec. 23-51. Excavations.

Excavations for installing service pipe or repairing the service pipe shall be made in compliance with the regulations relating to the making of excavations in streets, provided that it shall be unlawful to place any service in the same excavation with or directly over any drain or sewer pipe. No person shall connect or cause to be connected any water service pipe to the water main belonging to the city or to any lateral pipeline or to any curbstop unless the service pipe is laid in a separate ditch excavated for that purpose, which ditch shall be at least ten feet in distance on a horizontal line and 18 inches on a vertical line or lane from any sewage or drain tile. In places where this is impossible, special permission must be obtained from the public works director or his designee.

Sec. 23-52. Inspection.

(a) All plumbing shall be done in the manner required by the
public works director or his designee or the building inspector or his designate and subject to inspection and approval. No underground work shall be covered up until inspected and approved.

(b) There shall be an inspection fee, as designated in the city fee schedule, for connecting a residence or commercial property to a public sanitary sewer.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-53. Duties of plumbers.

It shall be the duty of all plumbers doing work in the city to ask for inspection and approval from the public works director or his designee on all underground work before it is covered. Water cannot be turned on until a water meter is obtained from the city. To obtain a water meter from the city, it is necessary that the plumbing inspector be given the description and location of the curbstop and meter, the name and address of the owner of the premises, and the name of the occupant, if different from the owner. It shall be the duty of all plumbers to procure a permit before making any changes in any connections that have been made with water services.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-54. Prohibited location of curb stops and meter pits.

Curb stops and meters are prohibited in driveways and sidewalks.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-55. Cross-connection control ordinance adopted.

There is hereby adopted, ordinance number 11-23 being the cross-connection ordinance concerning all connections to the potable water supply of the City of Macomb, Illinois. A copy of the said cross-connection control ordinance shall be available in the office of the city clerk.

(Ord. No. 11-24, § 1, 9-6-11)

Secs. 23-56—23-70. Reserved.

ARTICLE IV. METERS AND RATES [4][96]

Sec. 23-71. Meter required.

Sec. 23-72. Temporary meter.

Sec. 23-73. Installation of meter; deposit.

Sec. 23-74. Inside location of meter.

Sec. 23-75. Frozen meters.
Sec. 23-71. Meter required.

All premises using water form the water supply system of the city shall be equipped with an adequate water meter and backflow preventer.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-72. Temporary meter.

Prior to the installation of permanent water meter, water service may be supplied temporarily by the city at a metered fee until such permanent meter is installed. Temporary connections will require a backflow preventer.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-73. Installation of meter; deposit.

(a) All water meters to be installed in a residence or other building shall be paid by the builder of the residence or other building, with the price paid for each meter to be determined by the then prevailing cost to the city of the water meter.

(b) Effective July 16, 2001, a water deposit as designated in
the city fee schedule, must be paid by all renters (lessees) before water to a rental property is turned on and/or placed in the name of the renter (lessee). The deposit fee may be waived upon written authorization of the property owner.

The deposit shall guarantee payment of the final monthly water bill including water fees, sewer fees and garbage fees. The deposit will be refunded when the renter (lessee) moves from the property. When the renter (lessee) moves from the property, any unpaid water bill balance will be charged against the deposit. If the deposit is insufficient to fully pay the unpaid water bill balance, then said unpaid balance will be billed to the renter (lessee). If all or a portion of the deposit remains unspent after the payment of all outstanding water bills, then the unused deposit balance shall be refunded to the renter (lessee). If moving to a new location, the renter (lessee) may also transfer the deposit to a new location upon application to the city.

Deposits will not be refunded until tenant moves out.

In the event that the city is unable to collect full payment from the renter (lessee), then the property owner shall guarantee and be responsible for said uncollected payment(s).

(c) When a meter larger than five-eighths inch is installed, a valve must be placed on both sides of the meter so that it can be removed for repairs.

(d) All water meters shall be installed under the direction of the city.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-74. Inside location of meter.

(a) All water meters over one inch in diameter shall be located inside buildings and shall be installed in a place of easy access. All new construction installing a one-inch or smaller in diameter water meter must locate the water meter outside in an approved meter pit with approved meter setter. The location must be approved by the public works director or his designee.

(b) All water meters installed inside of buildings after January 1, 2005, except those installed to replace meters, shall be radio read meters.

(c) All water meters installed inside of buildings shall be read at least once in every three-month period. If the meter is not accessible during any three-month period, it shall be necessary to install a radio read meter.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05; Ord. No. 14-36, § 2, 9-3-14)

Sec. 23-75. Frozen meters.

(a) Frozen meter base. If inside, it is the property owner's responsibility to keep from freezing. The customer will be charged a call out fee
and a fee for replacing the base, as designated in the city fee schedule.

(b) Frozen meter in pit. No charge to the owner. This is the city's responsibility.

(c) Frozen water lines. This is not the city's responsibility, and the customer will be charged a call out fee, as designated in the city fee schedule.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-76. Maintenance and repair of meters.

All water meters shall be kept free from all obstruction so that the same may be easily read and inspected, and shall be protected by the consumer from freezing, if located within the premises of the consumer, hot water and other danger. If the meter is damaged due to negligence or willfulness of the consumer, it will be repaired or replaced at actual cost at the expense of the consumer.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-77. Rates for users in city.

(a) The rates to be paid by consumers for water received from the water system of the city shall be as designated in the city fee schedule.

(b) For the purposes of this section, one cubic foot shall equal seven and one-half gallons.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-78. Rates for users outside city.

All consumers receiving water from the water system of the city where the property served is located outside the limits of the city shall pay a monthly service fee as designated in the city fee schedule, which shall be in addition to the rates established by this article for users within the city and which shall be added to and collected with the regular monthly bill.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-79. Meter reader.

The city shall employ meter readers who shall be under the supervision of the public works director.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-80. Estimation of readings during cold weather.

The water department may, if it sees fit due to extremely cold weather, refrain from reading outside meters and estimate the reading during this period so as to protect
meters from freezing.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-81. Payment of bills—Due date.

All bills and charges for water used in any one month shall be due and payable within 15 days of billing date. There will be a fee as designated in the city fee schedule, added to any amount where the financial institution returns for any reason, any monetary transaction, made either by check (electronic or paper), or credit card.

These accounts will be subject to termination without notice.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05; Ord. No. 16-33, § 4, 11-7-16)

Sec. 23-82. Same—Charge for late payment.

There is no discount on water bills, but if the water bill is not paid by the due date in each month a charge of ten percent shall be added to each bill to cover the expense of processing the bill as delinquent.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-83. Same—Default; disconnection of service; reconnection fee.

(a) In all cases where default is made in payment for water furnished by the city on the tenth day after the due date on the water bill, the superintendent of water shall upon notice from the business office of such default, shut off the water from the premises for which default occurs. The water shall not again be turned on or furnished to any person in or upon such premises until all arrearages, fines, costs of all suits and proceedings and the turn-on fee established by subsection (b) of this section have been paid.

(b) The fee for turning on water which has been disconnected pursuant to subsection (a) of this section shall be as designated in the city fee schedule if the water is reconnected between 8:00 a.m. and 4:30 p.m. on Monday through Friday and as designated in the city fee schedule if the water is reconnected between 4:30 p.m. and 8:00 a.m. on Monday through Friday or at any time on Saturday, Sunday or legal holidays.

(c) All charges and fees for water services, sanitary sewer service, and solid waste and recycling service are billed by the city as part of one billing statement. If a payment is received relative to any account which is less than the full amount of the outstanding bill, the payment received shall be applied to pay the various portions of said outstanding bill in the following order:

(1) Any outstanding bills.
(2) Late payment penalty fee.
(3) Solid waste and recycling fees.
(4) Sanitary sewer service charges and fees.
(5) Utility service fees.

(6) Water consumption charges.

(c) If payment is made after 4:30 p.m. the water re-connection will be done the following business day unless the after hours fee is paid.

(d) Any business whose account remains unpaid on the day of turn-off will be assessed a fee in the city fee schedule.

(Ord. No. 2967, § 1, 5-17-04; Ord. No. 05-02, § 4, 2-7-05)

Sec. 23-84. Lien for unpaid charges—Generally.

A lien is hereby imposed upon the premises served for all unpaid water bills or rents, to the extent of such bills or rents.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-85. Lien for unpaid charges—Filing of claim; notice to owner.

Whenever a bill due the city for water service remains unpaid for 60 days after it has been rendered as provided by this article, the business office shall file with the county recorder of deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of unpaid bill, and a notice that the city claims a lien for this amount, as well as for all charges for water subsequent to the period covered by the bill. If the consumer of water whose bill is unpaid is not the owner of the premises and the business office has notice of this, notice shall be mailed to the owner of the premises, if his address is known to the business office, whenever such bill remains unpaid for a period of 60 days after it has been rendered. The failure of the business office to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for unpaid water bills or rents.

The fees and costs for the filing and releasing the notice of lien shall be added to the charges owed by the owner(s).

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-86. Same—Foreclosure of lien.

Property subject to a lien for unpaid water charges shall be sold for nonpayment of the charges, and the proceeds of such sale shall be applied to pay the charges, after deducting the cost, as is the case in the foreclosures of statutory liens. An appropriate court action shall be filed in the name of the city. The city attorney is hereby authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property for which the water bills remains unpaid 60 days after it has been rendered.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)
Sec. 23-87. Suit to collect unpaid charges.

At any time after any money becomes due the city for water furnished, it shall be lawful for the city attorney to commence suit in action of debt for such money in any court competent jurisdiction, in the name of the city against the owner at the time of the premises for or upon which the water was furnished or against the person using or consuming such water, and to prosecute such suit to final judgment, or the city attorney may, in the name of the city, commence suit against the owner, occupant or person in possession of the premises for or upon which such water has been furnished, jointly or severally, by proper process in a proper court of law, and proceed to prosecute such suit until the water bill or account is paid.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-88. Faulty meters.

(a) The public works director or his designee may remove a meter at any time for repairs or for testing its accuracy, and when any meter shall be found incorrect in measurement and unfit for future use such meter shall be replaced at once at the expense of the city; provided that, if the meter has been damaged by hot water, freezing, if located within the premises of the consumer, or otherwise due to the fault of the user or due to the imperfection or fault of the water system or any of the appliances on the premises, then the replacement of the meter shall be at the expense of the property owner or user.

(b) If any meter at any time fails to register the quantity of water, the quantity shall be determined and the charge made based on the average quantity registered during such preceding period of time prior to the date of failure as the business office may direct. No deduction shall be made from bills on account of leakage.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-89. Annual review of rates and periodic adjustments.

(a) The adequacy of the water service charges shall be reviewed, not less often than annually, by the City Administrator for the City of Macomb, at the time of preparation of the annual budget for the city. The water service charge shall be revised periodically to reflect a change in local capital costs or operation, maintenance and replacement costs.

(b) The method for computation of rates and service charges established for user charges shall be made available to a user within 30 days of receipts of a written request for such information. Any disagreement over the method used or in the computations thereof shall be remedied by the city within 30 days after receipt by the city of a formal written notice of appeal outlining the discrepancies.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)
Sec. 23-90. Miscellaneous fees.

(a) There shall be a fee charged for owner-requested water service turn-on, as designated in the city fee schedule.

(b) There shall be a fee charged for hydrant hook-up as designated in the city fee schedule.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Secs. 23-91—23-100. Reserved.

ARTICLE V. MAINS AND MATERIALS

Sec. 23-101. Classification of water main piping.

Whenever polyvinyl chloride pipes are utilized for water main installations subject to the requirements in this chapter, the pipe shall be of class 200 as specified by the AWWA and shall include a detection wires as prescribed in this article.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-102. Detection wire.

All detection wire required in this article shall be of 14 gauge wire, and shall be attached by means of brass clamps or terminals to all cast fittings, curbstops, fire hydrants, valves, or other appurtenances of the water distribution system.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-103. Installation of mains.

Installations of water mains shall be according to manufacturer's specification of the pipe being utilized.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)

Sec. 23-104. Use of solvent weld pipe.

Solvent weld pipe shall not be permitted.

(Ord. No. 05-02, § 4(Exh. C), 2-7-05)
ARTICLE VI. WATER CONSERVATION

Sec. 23-105. Purpose.

At such times as the mayor or public works director determines that a declared or undeclared natural or manmade disaster or incident creates a water supply emergency, the voluntary or mandatory use restrictions as described below may be imposed at the discretion of the mayor or public works director.

(Ord. No. 09-04, § 2, 3-2-09)

Sec. 23-106. Phase I—Voluntary conservation measures.

(a) Objective: The objective is to raise awareness among Macomb water users regarding the need to conserve water through voluntary means. The implementation of voluntary conservation measures is proposed to occur at such time as the level of water in Spring Lake falls to 24 inches below the spillway or other temporary natural or manmade limitations on potable water production impose a need for water conservation measures.

(b) Phase I program: The city will institute ongoing public information programs designed to encourage voluntary water conservation measures.

(1) Public works will prepare/distribute regular reports on changing status of water supply and water usage.

(2) Public works will make direct appeals for conservation to large water users.

(3) Public works will disseminate information to public through media and other means.

(4) Public works will implement 24/7 maximum ground water production through the reverse osmosis plant.

(c) Lifting of phase I restrictions: Phase I restrictions will be lifted at such time as the mayor and public works director determine the water emergency has abated.

(Ord. No. 09-04, § 3, 3-2-09)

Sec. 23-107. Phase II—Mandatory conservation measures (use restrictions).
(a) **Objective.** The objective is to achieve reductions in water consumption through the implementation of mandatory restrictions on the use of water out of doors. The implementation of mandatory use restrictions will occur at such time as the level of water in Spring Lake falls to 36 inches below the spillway or other temporary natural or manmade limitations on potable water production impose a need for water conservation measures.

(b) **Phase II program:** The following regulations will be imposed on the use of Macomb city water:

1. **"Dry Day" designation:** Notwithstanding any of the provisions which follow, Mondays and Thursdays are designated as "dry days" during which all outdoor water use is prohibited.

2. **Watering of lawns, trees, shrubs and gardens:** The watering of lawns, trees, shrubs and gardens will be permitted only in accordance with the following regulations. When permitted, all landscape/garden watering will be limited to the following hours: 7:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. Such watering shall only be done in accordance with the following:
   a. **Lawns:** Lawns in evenly numbered Wards may be watered on even numbered calendar days and lawns in odd numbered Wards may be watered on odd numbered calendar days; provided the owner has obtained a permit from the city allowing such watering to occur.
   b. **Trees and shrubs:** Trees and shrubs may be watered with a bucket, hand-held hose or deep root feeder on Saturdays and Sundays only. Newly planted trees and shrubs may also be watered on the day of planting.
   c. **Flower/vegetable gardens:** The watering of vegetable gardens and annual or perennial flower gardens are permitted with hand-held hoses or buckets.

3. **Washing vehicles:** The use of water for washing vehicles, trailers, boats and other types of mobile equipment is prohibited except for the following:
   a. The washing of vehicles and other types of mobile equipment is permitted on Saturdays and Sundays only. All such washing will be done with a bucket or a hand-held hose equipped with a positive shut-off nozzle for quick rinses.
   b. **Washing of vehicles at commercial car washes.**
   c. **Washing of vehicles at motor vehicle dealerships.**
d. Washing of vehicles where such washing is necessary to the protection of public health and safety, such as garbage trucks and vehicles used to transport food and other perishables.

(4) Swimming pool restrictions: The refilling or adding of water to swimming/wading pools will be prohibited except on Saturdays and Sundays. Newly installed pools may not be filled while phase II restrictions are imposed.

(5) Wasting of water: The following uses of water are defined as "waste" and are prohibited:

a. To run off to a street gutter, ditch or drain.

b. Failure to repair a controllable leak within a customer's property.

c. Washing buildings, sidewalks, driveways, parking areas, tennis courts, patios or other paved areas, except to alleviate immediate fire or public health hazards as approved by the Macomb Fire Department (City street sweeping will be prohibited except in the central downtown area.)

d. Operation of ornamental fountain or other structure making similar use of water.

e. The routine flushing of fire hydrants.

(6) Water serviced at restaurants: Water will not be served to restaurant customers unless specifically requested by the customer.

(7) Water extension restrictions: At such time as phase II regulations are implemented, the extension of water service to users located outside of the Macomb corporate limits will be prohibited.

(8) Golf courses: The watering of golf course fairways will be prohibited. Greens and tees may be watered for no more than 15 minutes per day. Such watering will only take place between the hours of 10:00 p.m. and 6:00 a.m. to minimize evaporation.

(9) Bulk sales: The sale of water in bulk at the water treatment plant will be prohibited at such time as Phase II restrictions are implemented.

(10) Satellite water systems will be requested to impose mandatory water conservation measures.

(c) Penalties: The penalty for a violation of this section shall be a fine of no less than $75.00 for the first offense, $150.00 for the second
offense, and $300.00 for the third offense.

(d) Enforcement: The building and zoning codes enforcement officer and Macomb Police Department shall be responsible for enforcing the provisions of the phase II use restrictions.

(e) Lifting of phase II restrictions: Phase II restrictions will be lifted at such time as the mayor and public works director determine the water emergency has abated.

(Ord. No. 09-04, § 3, 3-2-09)

Sec. 23-108. Phase III—Crisis conservation measures (severe use restrictions).

(a) Objective: The objective is to restrict water uses to essential life safety functions. The implementation of Phase III measures will be implemented at such time as the level of water in Spring Lake falls to 60 inches below the spillway or other temporary natural or manmade limitations on potable water production impose a need for water conservation measures.

(b) Program: Phase III restrictions remain in place with the following additions:

(1) All outdoor watering of lawns, gardens, trees, shrubs, and flowers is prohibited.
(2) No filling or adding of water to swimming pools is permitted.
(3) All watering of golf courses is prohibited.
(4) All vehicle washing is prohibited.
(5) All commercial car washes are closed.
(6) All laundromats may be placed on restricted hours.
(7) Industrial customers will be rationed.
(8) Satellite water systems may be rationed unless crisis conservation measures are imposed within the satellite systems.

(c) Penalties: The penalty for a violation of this section shall be a fine of no less than $150.00 for the first offense, $300.00 for the second offense, and $750.00 for the third offense.

(d) Enforcement: The building and zoning codes enforcement officer and Macomb Police Department shall be responsible for enforcing the provisions of the phase III use restrictions.

(e) Lifting of phase III restrictions: Phase III restrictions will be lifted at such time as the mayor and public works director determine the crisis has abated.

(Ord. No. 09-04, § 3, 3-2-09)
Chapter 24  CITY FEE SCHEDULE

Sec. 24-1. Garbage and trash.
Sec. 24-2. Sewer.
Sec. 24-3. Water.
Sec. 24-4. Cemetery burial and lot fees.
Sec. 24-5. Yard waste center fees.
Sec. 24-6. Building permit fees and penalties.
Sec. 24-7. Development fees.
Sec. 24-8. Standard late fee.
Sec. 24-9. Excavation and public right-of-way access permit fees.
Sec. 24-10. Ordinance violation fines and penalties.

Sec. 24-1. Garbage and trash.

<table>
<thead>
<tr>
<th></th>
<th>Charge for residential solid waste collection and recycling service (Sec. 11-27):</th>
<th>$18.26/month per residential dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Charge for one recycling cart (Sec. 11-44):</td>
<td>No charge</td>
</tr>
<tr>
<td>B</td>
<td>Charge for additional recycling cart (Sec. 11-44):</td>
<td>$1.50 per month for each additional cart</td>
</tr>
<tr>
<td>C</td>
<td>Charge for additional refuse cart:</td>
<td>$3.00 per month for each additional cart</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Sec. 24-2. Sewer.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Fee/Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Construction of private sewage disposal system - permit and inspection fee (Sec. 19-82):</td>
<td>$28.05</td>
</tr>
<tr>
<td>B.</td>
<td>Sewer connection (Sec. 19-104(1)):</td>
<td>$196.35</td>
</tr>
<tr>
<td>C.</td>
<td>Inspection for new services (Sec. 19-104(2)):</td>
<td>$28.05</td>
</tr>
<tr>
<td>D.</td>
<td>Special assessment connection fee (Sec. 19-105):</td>
<td>$2,805.00/tap (for the geographic areas delineated by the city council pursuant to resolution)</td>
</tr>
<tr>
<td>E.</td>
<td>Jetting services (1-hour minimum):</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sewer jetting rate (jetting, root cutting and suction)</td>
<td>$350.00 - regular hourly rate $525.00 - overtime hourly rate (before 7:00 a.m., after 3:30 p.m., or on weekends and holidays)</td>
</tr>
<tr>
<td>F.</td>
<td>Septic dumping:</td>
<td>$0.05 per gallon</td>
</tr>
<tr>
<td>G.</td>
<td>Class I service charge of users inside corporate city limits (Sec. 19-142(a)(1), Sec. 19-142(a)(2)):</td>
<td>$3.00 per 100 cubic feet, for operation/maintenance/depreciation of sewer system</td>
</tr>
<tr>
<td></td>
<td>Service rates for property outside city limits (Sec. 23-78):</td>
<td>$20.40</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>I.</td>
<td>Minimum charge for any Class I user (Sec. 19-142(b)(5)):</td>
<td>$3.64 and $3.00 per meter for debt service expense</td>
</tr>
<tr>
<td>J.</td>
<td>Returned item fee (Sec. 19-142(b)(5)):</td>
<td>$30.00</td>
</tr>
<tr>
<td>K.</td>
<td>Grease dumping:</td>
<td>$0.31 per gallon</td>
</tr>
<tr>
<td>L.</td>
<td>Sewer camera rate:</td>
<td>$250.00 - regular hourly rate $375.00 - overtime hourly rate (before 7:00 a.m., after 3:30 p.m., or on weekends and holidays)</td>
</tr>
<tr>
<td>M.</td>
<td>Laboratory test fees:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) Standard test package</td>
<td>$75.00</td>
</tr>
<tr>
<td></td>
<td>(2) Ammonia test</td>
<td>$10.00</td>
</tr>
<tr>
<td></td>
<td>(3) Fecal coliform test</td>
<td>$20.00</td>
</tr>
<tr>
<td>N.</td>
<td>Treatment rates for landfill leachate:</td>
<td></td>
</tr>
<tr>
<td>(1) Quantity of wastewater</td>
<td>$11.00 for 100 cubic feet</td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------</td>
<td></td>
</tr>
<tr>
<td>(2) Removal of biochemical oxygen demand</td>
<td>0.1046 per lb.</td>
<td></td>
</tr>
<tr>
<td>(3) Removal of suspended solids</td>
<td>$0.3093 per lb.</td>
<td></td>
</tr>
<tr>
<td>(4) Oxidation of amonia nitrogen</td>
<td>$0.7229 per lb.</td>
<td></td>
</tr>
</tbody>
</table>

(Ord. No. 05-03, § 2, 2-7-05; Ord. No. 05-17, § 3, 6-6-05; Ord. No. 06-15, § 4, 4-17-06; Ord. No. 07-14, § 3, 4-16-07; Ord. No. 08-25, § 2, 5-19-08; Ord. No. 09-06, §§ 2—11, 3-16-09; Ord. No. 10-04, §§ 2—14, 3-1-10; Ord. No. 11-11, § 2, 3-21-11; Ord. No. 11-16, § 2, 4-18-11; Ord. No. 12-23, § 3, 4-16-12; Ord. No. 13-14, § 3, 4-15-13; Ord. No. 14-15, § 3, 4-7-14; Ord. No. 15-06, § 2, 2-17-15; Ord. No. 15-12, § 3, 4-6-15; Ord. No. 15-26, §§ 2, 3, 9-8-15; Ord. No. 15-28, § 2, 9-21-15; Ord. No. 16-33, § 5, 11-7-16; Ord. No. 17-08, § 3, 4-17-17)

**Sec. 24-3. Water.**

<p>| A. | Tapping mains (Sec. 23-44): | $250.00 for ¼&quot;—2&quot; line $500.00 for 2&quot; line and above |
| B. | Reserved |
| C. | Reserved |
| D. | Inspection for new services (Sec. 23-52(b)): | $40.00 |
| E. | Water deposit paid by all renters (Sec. 23-73): | $100.00 (unless waived upon written authorization of the property) |</p>
<table>
<thead>
<tr>
<th></th>
<th>Frozen meter charges (Sec. 23-75)</th>
<th>owner)</th>
</tr>
</thead>
<tbody>
<tr>
<td>F.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Frozen meter base (inside):</td>
<td>Actual cost</td>
</tr>
<tr>
<td></td>
<td>2. Frozen meter in pit:</td>
<td>No charge to customer unless negligent</td>
</tr>
<tr>
<td>G.</td>
<td>Service rates for city users (Sec. 23-77)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1. Minimum charge:</td>
<td>$5.75 and $3.00 per meter for debt service expense</td>
</tr>
<tr>
<td></td>
<td>2. Rate per 100 cubic feet:</td>
<td>$4.79</td>
</tr>
<tr>
<td>H.</td>
<td>Service rates for property outside city limits (Sec. 23-78):</td>
<td>$24.00</td>
</tr>
<tr>
<td>I.</td>
<td>Bill payment - returned item fee (Sec. 23-81):</td>
<td>$30.00</td>
</tr>
<tr>
<td>J.</td>
<td>Reconnection fee for disconnections due to non-payment (Sec. 23-83):</td>
<td>$30.00 - if done between 8:00 a.m. and 4:30 p.m.; $165.00 - if not done between 8:00 a.m. and 4:30 p.m.</td>
</tr>
<tr>
<td>K.</td>
<td>Assessment fee for business accounts unpaid on day of turn-off (Sec. 23-83):</td>
<td>$30.00</td>
</tr>
<tr>
<td>L.</td>
<td>Fee for owner-requested turn-ons (Sec. 23-90(a)):</td>
<td>$15.00</td>
</tr>
<tr>
<td>M.</td>
<td>Fee for hydrant hook-up (Sec. 23-90(b)):</td>
<td>$80.00</td>
</tr>
<tr>
<td>N.</td>
<td>Meter maintenance:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>*Single stage:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>¾&quot; meter</td>
<td>$3.46 Monthly charge</td>
</tr>
<tr>
<td></td>
<td>1&quot; meter</td>
<td>$3.72 Monthly charge</td>
</tr>
<tr>
<td></td>
<td>1-1½&quot; meter</td>
<td>$5.00 Monthly charge</td>
</tr>
<tr>
<td></td>
<td>2&quot; meter</td>
<td>$7.00 Monthly charge</td>
</tr>
<tr>
<td></td>
<td>*Compound:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2&quot; meter</td>
<td>$42.68 Monthly charge</td>
</tr>
<tr>
<td></td>
<td>3&quot; meter</td>
<td>$45.00 Monthly charge</td>
</tr>
<tr>
<td></td>
<td>4&quot; meter</td>
<td>$56.00 Monthly charge</td>
</tr>
<tr>
<td></td>
<td>6&quot; meter</td>
<td>$77.59 Monthly charge</td>
</tr>
</tbody>
</table>

*The above rates are not applicable to single family residential dwellings with less than three units.*
O. Bulk water rate $0.30 per 75 gallons

P. Inspections

<table>
<thead>
<tr>
<th>Inspection Type</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plug. Rough-In Inspection:</td>
<td>$5.00</td>
</tr>
<tr>
<td>Fixture/Inspection Item:</td>
<td>$6.00</td>
</tr>
</tbody>
</table>

Sec. 24-4. Cemetery burial and lot fees.

A. The fee for opening and closing a grave shall be as follows:

<table>
<thead>
<tr>
<th>Cemetery Space</th>
<th>Price Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult: Monday after Noon—Friday</td>
<td>$750.00</td>
</tr>
<tr>
<td>Adult: Saturday, Sunday, Monday before Noon and Holidays</td>
<td>$900.00</td>
</tr>
<tr>
<td>Infant: Monday after</td>
<td>$350.00</td>
</tr>
</tbody>
</table>

(Ord. No. 05-03, § 2, 2-7-05; Ord. No. 05-17, § 2, 6-6-05; Ord. No. 06-06, § 2, 2-21-06; Ord. No. 06-15, § 3, 4-17-06; Ord. No. 07-14, § 2, 4-16-07; Ord. No. 08-18, § 2, 3-31-08; Ord. No. 08-36, § 2, 8-4-08; Ord. No. 08-52, § 2, 10-20-08; Ord. No. 09-05, §§ 2—14, 3-16-09; Ord. No. 10-03, §§ 2—15, 3-1-10; Ord. No. 11-10, § 2, 3-21-11; Ord. No. 11-22, §§ 2—12, 8-15-11; Ord. No. 12-23, § 2, 4-16-12; Ord. No. 12-29, § 2, 6-4-12; Ord. No. 12-56, § 2, 10-15-12; Ord. No. 13-14, § 2, 4-15-13; Ord. No. 14-15, § 2, 4-7-14; Ord. No. 15-12, § 2, 4-6-15; Ord. No. 16-33, § 6, 11-7-16; Ord. No. 17-08, § 3, 4-17-17; Ord. No. 17-24, § 4, 10-16-17)
<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Noon—Friday</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td>$450.00 for an infant: Saturday, Sunday, Monday before Noon and Holidays</td>
</tr>
<tr>
<td>2.</td>
<td>Cremation ALL</td>
<td>(Columbarium, Mausoleum and In Ground)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Monday—Friday</td>
</tr>
<tr>
<td>3.</td>
<td>Mausoleum</td>
<td>$600.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Saturday, Sunday, Monday before Noon and Holidays</td>
</tr>
<tr>
<td>4.</td>
<td>Disinterment</td>
<td>$1,500.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Burial</td>
</tr>
<tr>
<td>5.</td>
<td>Urn Vault</td>
<td>$600.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Monday after Noon-Friday</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$750.00</td>
</tr>
</tbody>
</table>
|    |   | Saturday, Sunday,
B. The burial spaces shall be sold for the following prices:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Monday before Noon and Holidays</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Cemetery space</td>
<td>$625.00/per space</td>
</tr>
<tr>
<td>2.</td>
<td>Crypt in mausoleum</td>
<td>$150.00/per crypt</td>
</tr>
<tr>
<td>3.</td>
<td>Columbarium Niche</td>
<td>$625.00/niche</td>
</tr>
</tbody>
</table>

C. Deed Recording fee: The current McDonough County recording fee

D. Monument setting fee: $40.00

E. Cemetery maintenance fund: $75.00

(Ord. No. 05-15, § 3, 5-16-05; Ord. No. 05-34, § 2, 12-5-05; Ord. No. 06-15, § 2, 4-17-06; Ord. No. 06-26, § 2, 7-17-06; Ord. No. 07-24, §§ 2, 3, 6-19-07; Ord. No. 08-26, § 2, 5-19-08; Ord. No. 11-09, §§ 2—5, 3-21-11; Ord. No. 13-51, § 2, 12-16-13; Ord. No. 17-24, § 5, 10-16-17)

Sec. 24-5. Yard waste center fees.

Yard waste fees shall apply to the following:

A. All yard waste originating from outside the Macomb city limits.

B. All yard waste originating from properties within the Macomb city limits with the following exceptions:

1. Properties that are classified as "residential" for purposes of garbage pickup, and are billed by the City of Macomb for garbage pickup.
2. Governmental entities, nonprofit organizations, and churches.

<table>
<thead>
<tr>
<th></th>
<th>Inside City</th>
<th>Outside City</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pickup/small trailer:</td>
<td>$15.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>B.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One-ton truck:</td>
<td>$30.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>C.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-ton truck:</td>
<td>$50.00</td>
<td>$75.00</td>
</tr>
<tr>
<td>D.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tandem:</td>
<td>$60.00</td>
<td>$100.00</td>
</tr>
</tbody>
</table>

The City of Macomb shall reserve the right to refuse yard waste originating from outside the city limits of Macomb during occurrences of extreme weather events causing excessive yard waste.

*(Ord. No. 06-14, § 2, 4-17-06; Ord. No. 11-37, § 2, 12-5-11)*

**Sec. 24-6. Building permit fees and penalties.**

<table>
<thead>
<tr>
<th>A.</th>
<th>Building permit fees:</th>
</tr>
</thead>
<tbody>
<tr>
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$800,000.00—899,999.00 . . . 3,264.00
$900,000.00—999,999.00 . . . 3,639.00
$1,000,000.00—1,999,999.00 . . . 4,014.00
$200.00 per $100,000.00 over $2,000,000

B. If an owner or contractor fails to obtain a building permit before beginning construction, the building permit fee shall double.

(Ord. No. 09-43, § 2, 10-19-09; Ord. No. 17-24, § 6, 10-16-17)

Sec. 24-7. Development fees.

<table>
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<tr>
<th>Applications</th>
<th>Applicable Fee</th>
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<td><strong>A.</strong></td>
<td>Subdivision</td>
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<tr>
<td></td>
<td>$1.00 for each lot, sub-lot, or tract of land shown upon a final map, but not less than $2.00 per map.</td>
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</table>

The owner of a subdivision shall also reimburse the city three and half percent (3.5%) of the estimated costs of said public improvement to compensate the city for all inspection/engineering expenses.

B. **Subdivision without public improvements**

The owner shall reimburse the city fifty percent (50%) of the actual cost of outside engineering review costs up to a maximum of $1,000.00.

C. **Site Plan with public improvements**

The owner of a site plan reimburse the city three and half
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<tr>
<td><strong>D.</strong></td>
<td><strong>Site Plan without public improvements</strong></td>
<td>The owner shall reimburse the city 50 percent of the actual cost of outside engineering review costs up to a maximum of $1,000.00; but all site plan reviews shall be charged no less than a $250.00 minimum charge.</td>
</tr>
<tr>
<td><strong>E.</strong></td>
<td><strong>Planned Unit Development with public improvements</strong></td>
<td>The owner of a planned unit development shall reimburse the city three and half percent (3.5%) of the estimated costs of said public improvement to compensate the city for all inspection/engineering expenses.</td>
</tr>
<tr>
<td><strong>F.</strong></td>
<td><strong>Planned Unit Development without public improvements</strong></td>
<td>The owner shall reimburse the city fifty percent (50%) of the actual cost of outside engineering review costs up to a maximum of</td>
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<td>for each offense. A</td>
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<td>occurs or continues.</td>
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<td>nor more than $750.00</td>
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<tr>
<td>M</td>
<td>Waiver of Requirements by City</td>
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</table>
Sec. 24-8. Standard late fee.

All fees in this schedule unless otherwise designated in this Code are subject to a late charge of one and one-half percent. If the said fees are not paid by the due date, a late charge shall be added to each bill to cover the expense of processing the bill as delinquent and will be compounded monthly.

(Ord. No. 09-41, § 2, 10-19-09)

Sec. 24-9. Excavation and public right-of-way access permit fees.

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<tr>
<th></th>
<th>Permit Fee</th>
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<td>A. Street excavation</td>
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<td>B. Curb/gutter/sidewalk/driveway excavation</td>
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<tr>
<td>C. Heavy haul</td>
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<tr>
<td>D. Temporary street closure</td>
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<tr>
<td>E. Other right-of-way use</td>
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<tr>
<td>F. Driveway/sidewalk repair without excavation</td>
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<td>$0.00</td>
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</table>
Sec. 24-10. Ordinance violation fines and penalties.

A. Sec. 1-13, Administrative tickets:
   Minimum fine $100.00, Maximum fine $750.00

B. Sec. 4-96, Sale and delivery of alcoholic liquor to minors and certain other persons:
   Minimum fine $300.00, Maximum fine $750.00

C. Sec. 4-97, Proof of age, misrepresentation of age:
   Minimum fine $300.00, Maximum fine $750.00

D. Sec. 16-31, Resisting, obstructing and interfering with a public employee:
   Minimum fine $300.00, Maximum fine $750.00

E. Sec. 16-54, Possession for cannabis less than ten grams:
   Minimum fine $300.00, Maximum fine $750.00

(Ord. No. 12-51, § 7, 9-17-12)

APPENDIX A RESERVED [1](97)

APPENDIX B RESERVED [1](98)

CODE COMPARATIVE TABLE 1972 CODE

This table gives the location within this Code of those sections of the 1972 Code, as updated through September 18, 1990, which are included herein. Sections of the 1972 Code, as supplemented, not listed herein have been omitted as repealed, superseded,
obscure or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

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**CODE COMPARATIVE TABLE ORDINANCES**

This table gives the location within this Code of those ordinances adopted since the 1972 Code, as updated through September 18, 1990, which are included herein. Ordinances
adopted prior to such date were incorporated into the 1972 Code, as supplemented. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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|       | Added    |           |           |

| 2811  | 10- 2-00 | 1         | 15-164    |
| 2812  | 10-16-00 | 2—5       | 7-71—7-74 |

| 2816  | 12- 4-00 | 2—11      | 7-71—7-80 |
|       | 12, 13   | Added     | 7-81, 7-82 |

| 2819  | 2- 5-01  | 1         | 15-220    |
|       | Added    |           | 15-220(3) |
|       | Rnbd     |           | 15-220(3) |
|       | as       |           | 15-220(4) |

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| 2     |         |           | 7-33      |
| 3     | Rpld    |           | 7-34      |

| 2821  | 3- 5-01  | 1, 2, 4   | 7-381, 7-382 |
|       | Added    |           |           |

| 2822  | 3- 5-01  | 1, 2, 4   | 7-401, 7-402 |
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| 2823  | 3- 5-01  | 1, 2, 4   | 10-31, 10-32 |
| 3     | Rpld    |           | 10-33—10-35 |

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**STATE LAW REFERENCE TABLE**

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Endnotes

1 (Popup - Footnote 1)

--(1)--


2 (Popup - Footnote 1)

--(1)--

Liquor control commissioner, § 4-31 et seq.; building inspector, § 7-3 et seq.; electrical inspection department, § 7-115; electrical commission, § 7-191 et seq.; building commission, § 7-341 et seq.; cemetery caretaker, § 8-31 et seq.; bureau of fire prevention, § 10-61 et seq.; fire department, § 10-81 et seq.; housing board of appeals, § 13-41 et seq.; equal opportunity and housing commission, § 13-111 et seq.; unlawful influence of law enforcement personnel, § 15-364; impersonation of city officer or employee, § 16-2; interfering with city officers or employees, § 16-31; false reports, § 16-32; planning board, § 17-1 et seq.; police department, § 18-21 et seq.; sewer department, § 19-2; superintendent of sewers, § 19-21 et seq.; sewer inspectors, § 19-41 et seq.; street department, § 20-31 et seq.; water department, § 23-21 et seq.; zoning board of appeals, app. B, art. XI.

3 (Popup - Footnote 2)

--(2)--

Editor's note—

Ord. No. 07-01, § 2, passed January 2, 2007, set out provisions intended for use as §§ 2-10—2-18. For purposes of clarity, and at the editor's discretion, these provisions have been included as §§ 2-21—2-30.

4 (Popup - Footnote 3)

--(3)--

Authority to provide rules of order, Ill. Rev. Stat. ch. 24, ¶ 3-11-11.

5 (Popup - Footnote 4)

--(4)--

Building inspector, § 7-3 et seq.; cemetery caretaker, § 8-31 et seq.; fire department, § 10-81 et seq.; equal opportunity, § 13-91 et seq.; police department, § 18-21 et seq.; superintendent of sewers, § 19-21 et seq.; sewer inspectors, § 19-41 et seq.

6 (Popup - Footnote 5)

--(5)--

City treasurer generally, Ill. Rev. Stat. ch. 24, ¶ 3-10-1 et seq.

7 (Popup - Footnote 6)

--(6)--
Editor's note—

Ord. No. 07-48, § 2, adopted December 18, 2007, amended division 4 in its entirety to read as herein set out. Former division 4, §§ 2-256—2-265, pertained to similar subject matter, and derived from Ord. No. 2888, §§ 1—10, 10-7-02.

8 (Popup - Footnote 7)

--(7)--

Personnel hearing board, § 2-132; electrical commission, § 7-191 et seq.; building commission, § 7-341 et seq.; housing board of appeals, § 13-41 et seq.; equal opportunity and housing commission, § 13-111 et seq.; planning commission, § 17-1 et seq.; zoning board of appeals, app. B, art. XI.

9 (Popup - Footnote 8)

--(8)--


10 (Popup - Footnote 9)

--(9)--


11 (Popup - Footnote 10)

--(10)--

Fire department, § 10-81 et seq.; police department, § 18-21 et seq.

Board of fire and police commissioners, Ill. Rev. Stat. ch. 24, ¶ 10-2.1-1 et seq.

12 (Popup - Footnote 11)

--(11)--

Tax on foreign fire insurance companies, § 14-91 et seq.

13 (Popup - Footnote 12)

--(12)--

Licenses and business regulations, ch. 14.

14 (Popup - Footnote 13)

--(13)--

Editor's note—

Ord. No. 06-04, § 2, adopted February 21, 2006, repealed the former Div. 3, §§
2-431—2-439, and enacted a new Div. 3 as set out herein. The former Div. 3 pertained to municipal telecommunications tax and derived from Ord. No. 2740, §§ 2—10, 8-4-97.

15 (Popup - Footnote 14)

--(14)--

Editor's note—


16 (Popup - Footnote 1)

--(1)--

Licenses and business regulations, ch. 14; signs similar to traffic control signs prohibited; flashing or rotating lights near highway, § 15-19; streets and sidewalks, ch. 20; sidewalk displays, § 20-211 et seq.; zoning, app. B.

17 (Popup - Footnote 2)

--(2)--

Editor's note—


18 (Popup - Footnote 1)

--(1)--

Editor's note—

Ord. No. 05-27, § 2, passed September 12, 2005, effective October 1, 2005, amended chapter 4 in its entirety to read as herein set out. Former chapter 4, §§ 4-1—4-3, 4-31—4-43, 4-51—4-66, 4-71—4-83, 4-91—4-107, 4-111—4-116, pertained to similar provisions. See Code Comparative Table for history.

Licenses and business regulations, ch. 14; possession of open container of alcoholic beverage in motor vehicle, § 15-26; driving while under the influence of alcohol, § 15-51.

19 (Popup - Footnote 2)

--(2)--

Business licenses generally, § 14-1 et seq.

Authority of city to license retail sale of liquor, 235 ILCS 5/4-1.

20 (Popup - Footnote 1)

--(1)--
Licenses and business regulations, ch. 14; zoning, app. B.


21 (Popup - Footnote 2)

--(2)--

Business licenses generally, § 14-1 et seq.

22 (Popup - Footnote 3)

--(3)--


23 (Popup - Footnote 4)

--(4)--

Authority of city to license and regulate pinball machines and other similar implements, Ill. Rev. Stat. ch. 24, ¶ 11-42-2; Coin-Operated Amusement Device Tax Act, Ill. Rev. Stat. ch. 120, ¶ 481b.1 et seq.

24 (Popup - Footnote 1)

--(1)--

Construction of barns, stables, etc., near city reservoir, § 9-36; pasturing cattle near city reservoir, § 9-37; health, ch. 12; unattended animals on streets, § 15-230; hunting, § 16-38.


25 (Popup - Footnote 1)

--(1)--


26 (Popup - Footnote 2)

--(2)--
Licenses and business regulations, ch. 14.

27 (Popup - Footnote 3)
--(3)--

Editor's note—

Ord. No. 2812, §§ 2—11, adopted Oct. 16, 2000, and Ord. No. 2816, § 2—13 did not specifically amend this Code. Hence inclusion as §§ 7-71—7-80 and 7-71—7-82, respectively, was at the discretion of the editor to read as herein set out. See the Code Comparative Table.

28 (Popup - Footnote 4)
--(4)--

Use of water lines for grounding electrical service prohibited, § 23-9.


29 (Popup - Footnote 5)
--(5)--

Licenses and business regulations, ch. 14.

30 (Popup - Footnote 6)
--(6)--

Administration, ch. 2; boards and commissions, § 2-271 et seq.


31 (Popup - Footnote 7)
--(7)--

Licenses and business regulations, ch. 14.

32 (Popup - Footnote 8)
--(8)--

Sewers, ch. 19; water, ch. 23.

33 (Popup - Footnote 9)
--(9)--

Editor's note—
Ord. No. 2824, §§ 1, 3—5, adopted March 5, 2001, did not specifically amend this Code but said ordinance provisions were treated as superseding §§ 7-321 and 7-322 at the discretion of the editor to read as herein set out. See the Code Comparative Table.

34 (Popup - Footnote 10)

--(10)--

Administration, ch. 2; boards and commissions, § 2-271 et seq.

35 (Popup - Footnote 11)

--(11)--

Editor's note—

Ord. No. 2821, §§ 1, 2, 4, adopted March 5, 2001, did not specifically amend this Code. Hence, inclusion of said ordinance provisions as §§ 7-381, 7-382 was at the discretion of the editor to read as herein set out. See the Code Comparative Table.

36 (Popup - Footnote 12)

--(12)--

Editor's note—

Ord. No. 2822, §§ 1, 2, 4, adopted March 5, 2001, did not specifically amend this Code. Hence, inclusion of said ordinance provisions as §§ 7-401, 7-402 was at the discretion of the editor to read as herein set out. See the Code Comparative Table.

37 (Popup - Footnote 1)

--(1)--

Interments on property near city reservoir, § 9-35.


38 (Popup - Footnote 2)

--(2)--

Administration, ch. 2; officers and employees generally, § 2-121 et seq.

39 (Popup - Footnote 1)

--(1)--

Use of Spring Lake sewage treatment facility, § 19-122; streets, sidewalks and public grounds, ch. 20; water, ch. 23.

40 (Popup - Footnote 2)

--(2)--
Editor's note—

Ord. No. 09-27, § 7, adopted August 3, 2009, amended Art. II title to read as herein set out. Formerly, such title pertained to sanitation.

Garbage and trash, ch. 11; health, ch. 12; sewers, ch. 19.

41 (Popup - Footnote 3)

--(3)--

Editor's note—

Ord. No. 16-23, § 2, adopted July 18, 2016, set out provisions intended for use as §§ 9-85—9-91. For purposes of classification and to preserve the style of this Code, and at the editor's discretion, these provisions have been included as 9-101—9-107.

42 (Popup - Footnote 1)

--(1)--

Maximum occupancy of establishments selling alcoholic beverages, § 4-13; buildings and building regulations, ch. 7; housing code, § 13-21 et seq.; directing traffic at fire, § 15-9; following fire apparatus, § 15-55; crossing fire hose, § 15-56; interfering with fire hydrant, § 23-6.


43 (Popup - Footnote 2)

--(2)--

Editor's note—


44 (Popup - Footnote 3)

--(3)--

Administration, ch. 2; officers and employees generally, § 2-121 et seq.; board of fire and police commissioners, § 2-331 et seq.; tax on foreign fire insurance companies, § 14-91 et seq.; false reports, § 16-32.

Authority of city to create fire department, Ill. Rev. Stat. ch. 24, ¶ 11-6-1.

45 (Popup - Footnote 4)

--(4)--


46 (Popup - Footnote 1)
Editor's note—


Pollution prevention, § 9-31 et seq.; health, ch. 12; abandoned refrigerators, § 16-84; unlawful disposal of waste, § 19-61; deposit of waste in public place, § 20-2.
47 (Popup - Footnote 1)

--(1)--

Employees carrying contagious disease prohibited in establishments selling alcoholic beverages, § 4-11; animals, ch. 6; pollution prevention, § 9-31 et seq.; garbage and trash, ch. 11; endangering public health, § 16-1; private sewage disposal, § 19-81 et seq.; sidewalk food sales, § 20-171 et seq.

48 (Popup - Footnote 2)

--(2)--

Editor's note—

49 (Popup - Footnote 1)

--(1)--

Authority of city to adopt housing code, Ill. Rev. Stat. ch. 24, ¶ 1-3-1 et seq.
50 (Popup - Footnote 2)

--(2)--

Buildings and building regulations, ch. 7; fire prevention and protection, ch. 10.
51 (Popup - Footnote 3)

--(3)--

Editor's note—

1994.

52 (Popup - Footnote 4)

--(4)--

Editor's note—

Ord. No. 2604, § 58(g), adopted Jan. 3, 1994, repealed art. II, div. 2, §§ 13-41—13-55. Ord. No. 2625, §§ 27—37, adopted June 20, 1994, reenacted certain sections of the housing board of appeals. Sections 13-43, 13-44, 13-49 and 13-54, which were not reenacted by said Ord. No. 2625, have been reinstated in this division, at the direction of the city. See the Code Comparative Table for a detailed analysis of inclusion.

53 (Popup - Footnote 5)

--(5)--

City officers and employees, § 2-121 et seq.; licenses and business regulations, ch. 14.


54 (Popup - Footnote 6)

--(6)--

Administration, ch. 2; boards and commissions, § 2-271 et seq.

55 (Popup - Footnote 1)

--(1)--

Hotel operators’ occupation tax, § 2-411 et seq.; advertising and billboards, ch. 3; alcoholic beverages, ch. 4; amusements, ch. 5; registration of building contractors, § 7-51 et seq.; registration of electrical contractors, § 7-131 et seq.; registration of heating contractors, § 7-231 et seq.; equal opportunity, § 13-111 et seq.; sidewalk food sales, § 20-171 et seq.; sidewalk displays, § 20-191 et seq.; vehicles for hire, ch. 22; zoning, app. B; action on license pending change in zoning, app. B, art. I, § 9.

56 (Popup - Footnote 2)

--(2)--

Editor's note—


Peddling alcoholic liquor prohibited, § 4-9; parking for purpose of peddling, § 15-225.

57 (Popup - Footnote 3)
Taxation, § 2-391 et seq.; fire department, § 10-81 et seq.


58 (Popup - Footnote 4)

Editor's note—


59 (Popup - Footnote 5)

Editor's note—


60 (Popup - Footnote 6)

Editor's note—

Community antenna television (CATV) provisions, § 14-160 et seq.; rates, § 14-198.

61 (Popup - Footnote 7)

Editor's note—

Ord. No. 11-36, § 2, adopted November 21, 2011, set out provisions intended for use as §§ 14-200—14-221. For purposes of classification, and at the editor's discretion, these provisions have been included as §§ 14-250—14-271.

62 (Popup - Footnote 1)

Police, ch. 18; streets and sidewalks, ch. 20; vehicles for hire, ch. 22.

63 (Popup - Footnote 2)

Citations for pedestrian violations, § 15-365 et seq.
64 (Popup - Footnote 3)

--(3)--

Fire access lanes, § 10-6; soliciting business from parked vehicle, § 14-35; parking citations and fines, § 15-351 et seq.

65 (Popup - Footnote 4)

--(4)--

*Editor's note—*


Abandoned vehicles, 625 ILCS 5/4-20-1.

66 (Popup - Footnote 5)

--(5)--

Authority of city to license vehicles of residents and limitations thereof, 65 ILCS 5/8-11-4.

67 (Popup - Footnote 6)

--(6)--

Tickets authorized, § 15-2; parking, § 15-211 et seq.; towing and impoundment of illegally parked vehicles, § 15-229.

68 (Popup - Footnote 7)

--(7)--

*Editor's note—*


69 (Popup - Footnote 1)

--(1)--

*Editor's note—*

Ord. No. 2750, § 2, adopted Nov. 17, 1997, amended Ch. 17, in its entirety, to read as herein set out. Former Ch. 17 pertained to similar subject matter. The zoning maps referred to in this chapter are not included in this publication, but are on file in the office of the city clerk. See the Code Comparative Table.
Advertising and billboards, ch. 3; amusements, ch. 5; buildings and building regulations, ch. 7; construction on property near city reservoir, § 9-34; licenses and business regulations, ch. 14; barbed wire and electric fences, § 16-83; sewers, ch. 19; streets, sidewalks and public grounds, ch. 20; water, ch. 23.

Zoning in municipalities generally, 65 ILCS 5/11-13-1 et seq.

70 (Popup - Footnote 1)

--(1) --

Powers of arrest, § 2-8; motor vehicles and traffic, ch. 15; unlawful influence of law enforcement personnel, § 15-364; false reports, § 16-32.


71 (Popup - Footnote 2)

--(2) --

Administration, ch. 2; officers and employees generally, § 2-121 et seq.; board of fire and police commissioners, § 2-331 et seq.

72 (Popup - Footnote 3)

--(3) --

General powers of municipalities in respect to penal institutions, Ill. Rev. Stat. ch. 24, ¶ 11-3-1.

73 (Popup - Footnote 1)

--(1) --

Editor's note—


Sewer systems in municipalities, Ill. Rev. Stat. ch. 24, ¶ 11-141-1 et seq.

74 (Popup - Footnote 2)
Administration, ch. 2; officers and employees generally, § 2-121 et seq.
75 (Popup - Footnote 3)

Administration, ch. 2; officers and employees generally, § 2-121 et seq.
76 (Popup - Footnote 4)

Health, ch. 12.
77 (Popup - Footnote 5)

Excavations, § 20-111 et seq.
78 (Popup - Footnote 1)

Advertising and billboards, ch. 3; buildings and building regulations, ch. 7; moving buildings, § 7-401 et seq.; city reservoir, ch. 9; burning rubbish on public ways, § 11-4; motor vehicles and traffic, ch. 15; riding bicycles on sidewalk, § 15-20; driving on sidewalk, § 15-57; vehicles spilling load, § 15-285; obstructing stairways or exits, § 16-35; trees and shrubs on public property, § 21-41 et seq.; subdivisions, app. A; zoning, app. B.

General power of city over streets and public ways, 65 ILCS 5/11-80-1 et seq.
79 (Popup - Footnote 2)

Administration, ch. 2.
80 (Popup - Footnote 3)

Buildings and building regulations, ch. 7; building sewers and connections, § 19-101; excavations near trees and shrubs, § 21-47; water service pipes and connections, § 23-41 et seq.
81 (Popup - Footnote 4)

Authority of city to regulate use of space over public ways, Ill. Rev. Stat. ch. 24, ¶ 11-80-8; authority of city to regulate and prevent the use of public ways for awnings and
82 (Popup - Footnote 5)
--(5)--

Editor's note—
Ord. No. 2595, § 12, adopted Oct. 18, 1993, repealed former art. VI, §§ 20-151—20-159, which pertained to parades and open air meetings.
83 (Popup - Footnote 6)
--(6)--

Editor's note—
84 (Popup - Footnote 7)
--(7)--

Advertising, ch. 3; licenses and business regulations, ch. 14.
Authority of city to regulate sales upon sidewalks, 65 ILCS 5/11-80-20.
85 (Popup - Footnote 8)
--(8)--

Editor's note—
Ord. No. 2595, § 12, adopted Oct. 18, 1993, repealed former div. 1, § 20-191, which pertained to permitted areas in sidewalk displays.
86 (Popup - Footnote 9)
--(9)--

Buildings and building regulations, ch. 7.
Authority of city to regulate the numbering of buildings and lots, 65 ILCS 5/11-80-18.
87 (Popup - Footnote 10)
--(10)--

Editor's note—
Illinois Adopt-A-Highway Act, 605 ILCS 120/1 et seq.
88 (Popup - Footnote 1)
Editor's note—


Disturbing shrubs and trees at city reservoir, § 9-5.

89 (Popup - Footnote 2)

--(2)--

Authority of city to provide for destruction of weeds at expense of owner of property upon which weeds are growing, 65 ILCS 5/11-20-7.

90 (Popup - Footnote 1)

--(1)--

Licenses and business regulations, ch. 14; motor vehicles and traffic, ch. 15.

91 (Popup - Footnote 2)

--(2)--

Use of taxicab stands, § 15-221.

92 (Popup - Footnote 3)

--(3)--

Business licenses generally, § 14-1 et seq.

93 (Popup - Footnote 1)

--(1)--

Editor's note—


Buildings and building regulations, ch. 7; plumbing code, § 7-291 et seq.; city reservoir,
ch. 9; sewers, ch. 19; subdivisions, app. A; refusal of utility service to premises in violation of zoning ordinance, app. B, art. I, § 8.


94 (Popup - Footnote 2)

--(2)--

 Administration, ch. 2.

95 (Popup - Footnote 3)

--(3)--

 Excavations, § 20-111 et seq.

96 (Popup - Footnote 4)

--(4)--


97 (Popup - Footnote 1)

--(1)--

*Editor's note—*

Ord. No. 2750, § 4, adopted Nov. 17, 1997, repealed App. A, which pertained to subdivisions. See the Code Comparative Table.

98 (Popup - Footnote 1)

--(1)--

*Editor's note—*

Ord. No. 2750, § 3, adopted Nov. 17, 1997, repealed App. B, which pertained to zoning. See the Code Comparative Table.